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Independent analysis of politics and government

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*also:*

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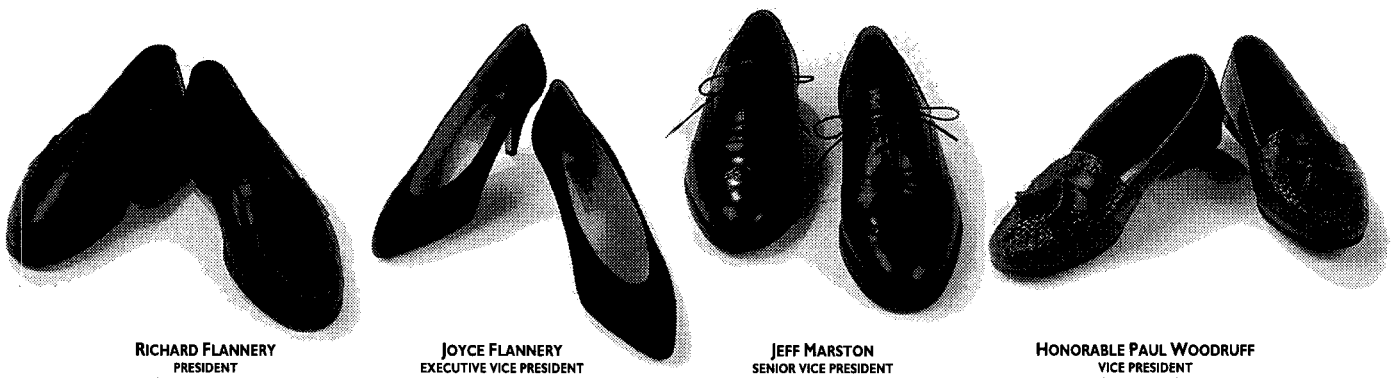

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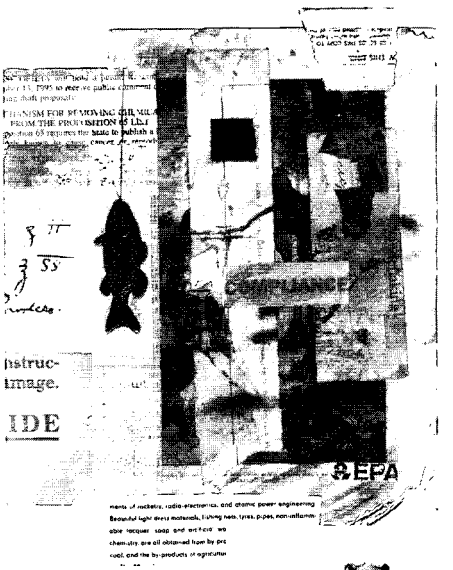



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In its effort to balance economic and environmental well-being, the Wilson administration sometimes ignores science in favor of jobs.
**By John Borland**

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As the nation moves to the right politically, the environmental movement is split between those who keep the faith and those who strike deals with long-time foes.
**By Keena Lipsitz**

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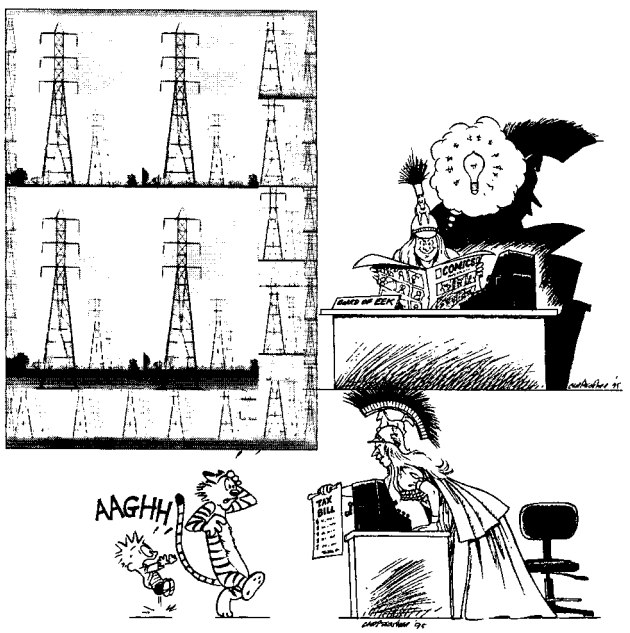
The late Phil Burton hated the great outdoors, but he was responsible for some of the most significant parks legislation in history. Another excerpt from "A Rage for Justice."
**By John Jacobs**





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The Public Utilities Commission may have launched the effort to deregulate electricity, but the revolution has gotten out of hand and may proceed without the PUC.
**By Bob Miller**

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Former Speaker Doris Allen was recalled in a bitter act of revenge that points out once again the perils in crossing Orange County's powerful clique of conservative Republicans.
**By A.G. Block**

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The Board of Equalization wanted to tax cartoons, but one does not argue with folks with lots of ink, paper and imagination.
**By Steve Scott**

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COVER

Acrylic painting by A. Alan Post, *Fruit Trees*, 1994, courtesy of the artist. Alan Post is known to many *Journal* readers as our respected State Legislative Analyst from 1949-1977. He studied art as well as economics, receiving his graduate degree at Princeton University. Mr. Post is represented by the Solomon Dubnick Gallery, Sacramento.

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# Upfront umbrage

**Flasher.** Comes word out of *The Daily Breeze* of Torrance that GOP congressional wanna-be-bad Susan Brooks flashed a badge at a gas station manager and demanded that he remove a campaign sign for Brooks' primary opponent — Irwin Savodnik. According to the paper, the manager at first assumed the badge was from some law-enforcement agency when in fact it was issued to members of the Rancho Palos Verdes City Council as a form of identification. Brooks sits on the council. The episode was captured on a surveillance camera. Brooks said that she showed the badge to identify herself and denied threatening the manager or attempting to intimidate him. The sign stayed in place. Brooks lost a controversial congressional election in 1994 to Democrat Jane Harman, winning on Election Day but eventually coming up second best after absentee ballots were counted.

Brooks

**The cost of justice.** In 1976, reports the *Los Angeles Times*, the average cost of a judicial race was $3000. By 1992, that average cost had soared to $70,000 — an increase of 2233 percent in just 16 years. A huge chunk of the cost to run for a judgeship, the paper notes, goes for slate mailers.

**Full circle.** Back in the early years of this century, Progressive Hiram Johnson and others helped spearhead political reform in California by giving voters the referendum, the initiative and the recall — reforms designed to help break the power of railroads, which held California government in their grip. Last November, the recall was used to dump a former speaker of the Assembly (see page 34). And who replaced her? An attorney for the Union Pacific Railroad.

**Bella 'n Bernie.** Assemblyman Bernie Richter (R-Chico) was yammering on about affirmative action before a quadrennial conference of women legislators being held in San Diego last November. Richter was lecturing the audience on the writings of Thomas Jefferson, saying Jefferson believed that all "men" were created equal. After just so much of this "men" stuff, former New York Representative Bella Abzug had had enough. The Democratic lawmaker rose and scolded Richter in no uncertain terms. Abzug's scolding, and the applause that followed it, effectively silenced Richter — no mean accomplishment.

Richter

**Hire a hall.** As a state, California essentially is governed by 132 elected officials — 120 legislators and 12 constitutional officers. Now comes a citizen's commission studying local government down in San Diego, which reports that the San Diego region alone is governed by 865 elected officials. That includes county boards of supervisors, city councils, school boards, community college district boards, special district boards and commissions, *ad nauseam*. It doesn't include appointed officials, such as city managers. The report questions whether all those folks are necessary, and it offers some suggestions for streamlining. Yes, but think of the unemployment rate if you abolish all those positions.

**The little things you do.** Okay, it's not California. But we thought you might be interested by the kind of scandals that bring down governments elsewhere. Say, Sweden. Prime Minister Invar Carlsson is retiring this year and promoted his deputy — Mona Sahlin — as his successor. Sahlin, reports the *New York Times*, was "energetic and highly popular" and was expected to carry on Carlsson's policies aimed at dismantling Sweden's welfare state. Unfortunately, Sahlin had to withdraw from consideration. Seems the 38-year-old PM-designate had used a government credit card inappropriately. Did she sweep off to the south of France for a month of cavorting in the sun? Did she splurge on a new wardrobe, buy a gold-plated Saab or redecorate a villa near Goteborg, then try to hide her transgressions? Hardly. She bought diapers, chocolate bars and a few other personal items, then paid off the bill herself and without prompting an investigation. Although the incident was, in the *Times'* words, "laughably trivial" and violated no written law or regulation, Sahlin's actions ran counter to Sweden's tacit standards of conduct for public officials. Hence, the axe.

**Beedie patrol.** Well, we sure feel mre secure tonight, knowing that the State Board of Equalization's Cigarette Tax Enforcement Team is ever alert. Seems the team recently nabbed 440,000 untaxed cigarettes and 1000 pounds of untaxed tobacco products that had been smuggled into the state from India. Turns out, the cigarettes were "beedies" — the cheapest form of Indian cigarette. Basically, a beedie is a tuft of the harshest tobacco rolled inside a small piece of tobacco leaf. To understand the taste and impact of a beedie, smoke an unfiltered Camel with a plastic bag over your head.

"The world is full of people whose notion of a satisfactory future is, in fact, a return to the idealized past."

*— Robertson Davies*



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# Rostrum letters

## Proposition 73

Bruce E. Cain, a professor of Political Science at UC-Berkeley, represents the ultimate in academic political hypocrisy. In the November 1995 issue, he writes of "Stepping Forward and Stepping Backward: Twenty-Five Years of Political Reform" without even mentioning the fact that he testified as an expert witness against Proposition 73 in the United States District Court action which eventually resulted in Proposition 73's judicial invalidation. Proposition 73 was fostered by Senator Ross Johnson and me to limit contributions and stop transfers of funds from one politician to another. It has reduced campaign spending in special elections, which it still governs. Cain, not so surprisingly, refuses even to mention Proposition 73 in his screed. After all, this professorial theoretician wanted to sink it.

SENATOR QUENTIN L. KOPP
San Francisco/San Mateo

## Dream makers

In your December 1995 issue, you identified 25 dream makers. It appears that nothing much has changed over the past 20 years in California, and white men still wield the authority, and rule the state. Of 25 Californians who have the vision, charisma or power to help shape the future of the dream, only two are women. Minorities don't do much better. I'm appalled that the *Journal's* vision is so limited that it cannot see what is evident on every street and in most corridors of power. I guess I should be grateful — in your supplementary list, there was only one.

JOY PICUS
Woodland Hills

## Deficits

Regarding Susan Rasky's last column (see "Bottom Line," *CJ*, December 1995), her dismissive attitude toward the idea of a balanced federal budget is displayed throughout the piece, but she never explained why balancing the budget is such an empty exercise. Also left out of her discussion is any mention of the hundreds of billions of dollars paid in interest each year to finance the federal debt. Those accumulated debts are real — not unimportant distractions, as Rasky suggests. These are the choices our politicians face when the federal government spends more than it takes it: cut benefits, raise taxes, or run a deficit. Cutting beneifts or raising taxes will incur the wrath of voters. Running a deficit means "borrowing" from our children and generations unborn, but since they do not vote, there is no downside, electorally speaking. If the benefit is received in the future, then it is only fair that the bill be paid in the future. But if the benefit is received today, it is unfair to send the bill into the future. Over the past two decades, an astronomical amount of money has been "borrowed" from future generations to pay for current expenses. As deficits mount, debt increases and interest payments increase. As a pathetic, minimum level of action, would it be smart to balance the budget and thereby not add anything more to the mountain of debt?

HARLAN BLEECKER
La Mesa

Hurrah for Susan Rasky's column in the December issue. The seven-year balanced budget obsession has to be consigned to the dust bin of cockamamy history theory. A study by Professor Frederick Thayer, highlighted in the November 1st *Washington Spectator,* points out that six attempts in U.S. history to balance the budget all were followed by the only depressions in that history.

SEYMOUR ROBINSON
Associate State Coordinator
American Association of
Retired Persons
Los Angeles



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# Two green

## The Wilson administration has made an attempt to braid together environmental and economic interests, but the effort has proved difficult. And staff complain that science has sometimes been suppressed in the name of regulatory reform.

By John Borland

Two green threads run through the history of environmental protection. One is the green of old growth forest, of the habitats of endangered species, of environmental interests. The other is the green of dollars: economic interests that have political clout and the ability to promise jobs for voters.

When Governor Pete Wilson came into office in 1991, he told the world he would braid the two together. "There are a number of people who think environmental quality and economic health are mutually exclusive," he told reporters. "On the contrary, they are interdependent."

This has proven to be a difficult task. The administration has exerted an iron control over its regulatory departments, making it clear at the lowest levels that departments are to balance the sometimes-competing interests in their actions. But staffers inside these bodies say they see immense political pressure to protect the interests and good will of "stakeholders" — the businesses and other economic players of the regulated community — often at the expense of the departments' public trust.

"A lot of my time [is spent] justifying what my job is," said one water-related agency employee, who like several others in state service asked not to be identified for this story. "You can't take for granted that a statute is on the books. You have to justify it every time to enforce it."

The pressure sometimes goes farther, some say: In seeking the politically feasible balance between the environment and economics, the science produced by staff sometimes gets watered down or ignored to make compromise easier. "More than once, the best information has been diluted by higher-ups," said one Department of Fish and Game biologist. And staff is loathe to complain, for fear of retribution from above. "We're in an era now where punishment is one of the tools being used," explained another Fish and Game employee.

Wilson came into office with grand environmental schemes. A politician who had often sided with environmentalists in the past, he touted his newly-created California Environmental Protection Agency (Cal/EPA) as "a single point of accountability for all of the state's environmental programs ... [enforcing] vigorously what will be high standards — standards based upon honest, scientific assessment." The agency's objectives


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# threads

COMPLIANCE
EPA
ments of rocketry, radio-electronics, and atomic power engineering. Beautiful light dress materials, fishing nets, tyres, pipes, non-inflammable lacquer, soap and artificial wool, with the help of modern chemistry, are all obtained from by-products of oil and natural gases, coal, and the by-products of agriculture.

*Collage by Meg McAneny*

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included a link between environmental protection and economic progress, also stating that priorities would be based on rigorous science and supported by vigorous enforcement.

The Republican governor's first years in office were marked by recession, exacerbated in California by the gradual pullout of billions of federal and private military-industrial dollars. The downturn drove business and the public to focus on the green of dollars-and-cents issues more than the green of the environment; the administration responded with a drive to prune regulatory red tape.

Wilson was insistent upon the appearance of a unified team in these and other efforts. "Talking Points," or memos listing the governor's goals and accomplishments, were regularly sent out to high-level appointees, sometimes with pointed cover sheets alluding to recipients' "duties as a member of the Wilson administration." Early in 1993 all cabinet officials were told that any official report or document released to the public first had to be cleared with the Cabinet Affairs Unit.

Always a high priority, Wilson's regulatory reform efforts redoubled last year in tandem with his short-lived presidential bid. An early July memo from Cal/EPA Undersecretary Jack Pandol lists several key administration goals for the environmental agency: reducing the excessive burdens of regulations, ensuring that costs of compliance are equal to benefits, and producing regulations "written and organized in a user-friendly manner."

Pandol's memo outlines several potential approaches to these tasks. Departments might simply ask themselves if each regulation was reasonable. They could conduct meetings with business and other affected individuals to solicit ideas on how to relieve excessive burdens. Departments could propose the repeal of all regulations — or just those that hadn't been amended in three years — and hold hearings to "see if substantial justification is forthcoming to save some of them." Or, Pandol said, the administration could simply instruct departments to reduce regulation by 30 percent and let them figure out how to do it.

Wilson codified his new campaign in a mid-September executive order directing each department to review every regulation affecting the business sector, identifying those suitable for repeal. This should be done, he added, with the input both of the affected business and environmental communities. The result has been massive review and reorganization projects throughout the departments, which will culminate some time next year.

But in its drive to roll back red tape, the administration has alienated much of its own regulatory staff. Staff scientists grumble that science is being ignored or diluted for the sake of political expediency. And in several environmental departments, staff reports that the pressure to be a "team player," to refrain from questioning the administration's objectives, has reached unprecedented levels. One Fish and Game biologist recounted a recent assignment evaluating the effect of a large timber company's cutting plans on a threatened species.

"We were told — not in so many words — that this timber harvesting plan must go through," the biologist said. "We were told, 'Trees are going to be felled, so do a mitigation plan.'" She did what she felt she was expected to do, writing up a report that would allow the timber to be cut, but which went against the grain of her scientific instincts. "A lot of what I wrote or what I was told to write isn't what I would have written [based on science alone,]" she said.

Another biologist described a similar incident. He and a supervisor had agreed that research justified beginning the consideration process to list a new endangered species. Opponents of the listing countered with testimony at a public hearing, but the scientists concurred that this evidence was neither new nor persuasive. A bit later, while both were out of state, the department announced that the scientists had changed their minds based on the new information, and that there was no need to begin the review process. "Changing a recommendation is always management's prerogative," the biologist said. "But that was inexcusable."

But in its drive to roll back red tape, the administration has alienated much of its own regulatory staff.

As a 20-year veteran of the department, the scientist said he has long seen and expected some politically influenced decisions. Government work does, after all, take place in a political environment. But "there has been no governor before Wilson that has interfered with the mandates of the department like Wilson," he said. "This is insidious, both in frequency and in significance."

In mid-February of last year, a pair of Fish and Game Wardens testified in front of Senator Tom Hayden's (D-Santa Monica) Natural Resources and Wildlife Committee, citing political pressures that curtailed some enforcement efforts. "We are in competition with other water interests for the resources, and essentially, fisheries seems to have taken a back seat," said warden Will Bishop. "Agricultural interests ... have a bigger voice, apparently. When I try to, or we as wardens generally try to enforce the provisions of the code that the Legislature has given us ... we're told to work with these people." He gave only past incidents as specifics, but Warden's Association legislative director Dave Gardner later said that small examples still continually arise. "We see little pieces of it all the time," Gardner said. He cited a few areas, such as streambed alteration decisions, where decisions made in Sacramento are often at odds with what field staff recommend. "To a certain degree those pressures are still there."

Jeff Weir is Fish and Game's Deputy Director for Conservation Education. He admitted that politics are necessarily involved in the workings of the department, since it operates in and is funded by a politically driven world. "I would be happy to say we're as politically astute as possible," he said.

Weir says he is aware of the perceptions of upper-level "conspiracy" in some of the department's lower ranks. "It is just their lack of knowledge," he said, casting the critics in the role of the allegorical blind men trying to picture an entire elephant from a single touch. Rank-and-file critics are simply mistaken, he said, in assuming that outside political powerhouses pull the strings on agency decisions. "If management doesn't do what they want, they think [the decision] is politically tainted," he said. "That's a naive point of view."

Reports are routinely edited, sometimes by him, Weir noted, but primarily for stylistic reasons or to take out loaded language or unwanted policy statements. "My role is to destigmatize information, so it becomes a legitimate resource,"


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he said. "I am unaware of a single report that has been politically changed or changed for political reasons."

That there is currently pressure on wardens to refrain from enforcement for political reasons is "not true," said Fish and Game chief of wildlife protection De Wayne Johnston. "We enforce all the rules," he stated. "The only reason there is any less emphasis on enforcement is that we have about 50 less wardens than we used to have." Budget cuts have hit all departments hard, he said, and make it increasingly difficult for everyone to do their job.

Weir did note the need to bow to political winds at times, if the department is to keep its funding and be able to operate in a hostile climate. "It's pretty obvious that when the environment and economics clash, people vote for economics," he said. "We represent 32 million people with a lot of different values. ...From a public survivability point of view, we as an agency have to recognize that."

Resources Agency Deputy Secretary Andy McLeod attributed the charges of political pressure to those opposed to the administration's compromise-based policies. "Some people will inexorably oppose [innovation] because it is change," he said. "We're trying to improve things."

The administration's identification with economic interests is found in other agencies. A former Air Reseources Board employee tells of being caught in a political battle between the board and the California Truckers' Association (CTA). The board had mandated an additive to diesel fuel, which raised the fuel's price and the truckers' hackles. Much of the new fuel turned out to damage truck engines, and the truckers blamed the air board, releasing a barrage of publicity and lobbying the administration to end the experiment. The ARB appeared hard-pressed to defend itself. "Every time the facts ran contrary to what the CTA was saying in public, the administration was restricted from protecting itself," the staffer said. "It even got to the point where some of the comments from [Cal/EPA head James] Strock reflected comments of the CTA. ...If you look at some of the wording of some of the CTA press releases and then some wording of Stock's speeches, the wording is the same."

An independent panel of experts was called to evaluate the CTA's claims. It cleared the ARB, putting the blame on a large producer of diesel fuel. But when the employee released the finished report on his own volition, he was called by a high-level ARB official and reprimanded. "There was some displeasure that the CTA was unhappy," he said. "The message I got was that I didn't get the message. The message was, 'Don't piss off the truckers.'" After more than 20 years in government service, he left the board for the private sector soon after this incident.

Another example of questionable commitment to fact was recently brought to light by the *Sacramento News and Review*, an alternative weekly newspaper. In late 1994 state Water Resources Control Board inspector Boris Trgovcich examined an El Dorado irrigation plant, finding significant pollution and evidence of hundreds of code violations over the past few years. He wrote a report on the plant, as his supervisors requested, but as he neared completion, word came from above that the report would not be released to the public because it would embarrass the Regional Water Board. Trgovcich kept writing. When he turned it in, he was told it would not be needed — and when the press and public asked a supervisor if the report was ready, they were told that only a "bunch of notes" had been prepared.

Trgovcich had recently — and successfully— fought a different whistle-blower case after being transferred to a unit where he was told he "would not cause any more problems" for himself. This time, he sent a caustic letter to his division chief. "During the last few years, I have frequently been instructed not to criticize or embarrass the [regional water quality boards] when they fail or refuse to enforce their [responsibilities]...," he wrote. "My duty statement (or that of my supervisors) says nothing about protecting [regional board executive director William] Crook's reputation, covering up our own mistakes, denying the taxpayers access to public records or writing 50-page reports destined for the wastepaper basket." Trgovcich's report was eventually released, in what he calls a somewhat "sanitized" but acceptable form.

Staffers and outside observers point to the growing number and scope of Wilson political appointees as the departments' political leverage points.

Staffers and outside observers point to the growing number and scope of Wilson political appointees as the departments' political leverage points. "As long as the director is appointed by the governor, the governor and the Legislature will put pressure on the department," Fish and Game warden Bishop recently said, reiterating his testimony earlier.

Many state environmental employees believe they are subject to retribution if they speak out critically. "I can say that the fear is palpable. People are afraid to talk," said Chris Voight, a consultant for the California Association of Professional Scientists, the government scientists' union. "There has been retaliation in the past."

Civil servants can't legally be fired without good cause. But there is a widespread staff feeling that other means can and will be used, including transfers, assignment to unwanted or make-work projects, or black marks in their records that might prevent future promotions. Several staffers point to the example of Fish and Game's Jerry Mensch, who was transferred against his will to the Sacramento headquarters after reporting a supervisor for code violations. Mensch is currently suing the department. "That is not a routine transfer," one wary biologist said.

Fish and Game asks staffers to fill out a standard form after talking to the media, naming the reporter and detailing the topic of conversation. Whatever the intended effect of this procedure, it too has a chilling effect on many staff members.

The tension inside these departments indicates that Wilson's marriage of environment and economics is done with a shotgun as often as with a ring. Wilson's attempts to dramatically revise the state Endangered Species Act and the California Environmental Quality Act, and charges by environmentalists that the massive departmental regulatory reviews are being dominated by business interests, don't promise a quick rapport.

But state employees are used to keeping their heads down through such political cycles. They will do it for a few more years.



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# The centering

*Illustration by Jonni Hill*



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# of the movement

## Are environmental groups, long considered bastions of liberalism, being forced into a compromising position in an environmentally hostile political atmosphere?

## By Keena Lipsitz

A particularly astute military strategist once said that nothing unifies like being shot at. As proof of this axiom, people are pointing to environmental groups' nimble bullet-dodging in this year's state and federal revamping of environmental laws and regulations. In the recent tug-of-war over sacred "green" cows, like the Endangered Species Act (ESA) and the California Environmental Quality Act (CEQA), environmentalists have managed to hold their ground. But even as the attack forced them to unite, it also exacerbated behind-the-scenes tensions over strategy. Groups that have historically been on the more progressive end of the environmental spectrum have been digging in their ideological heels and watching in horror as some colleagues have been trying to sit down with the "enemy" to make deals. Stretched taut by low funds and too many battle fronts, the more grass-roots oriented organizations have been forced to allow their politically savvy brethren to do the talking, particularly in Sacramento. Many say the results for environmental protection could be disastrous over the long haul.

Tensions over strategy in the environmental community are nothing new, but the 1994 elections lurched the country and the state to the right. And this has meant that crucial environmental battles are taking place between those who seek to protect all current environmental laws and those who feel that government has gone too far to protect the environment at the expense of jobs and the economy. As anti-regulatory forces in Congress moved to restrict the authority of the Environmental Protection Agency and gut the Endangered Species Act, Republicans in the state Legislature, infused with fresh blood of freshman conservatives, set to work on dismantling the California Environmental Quality Act (CEQA), California's Clean Drinking Water Act, and a host of other environmental laws and regulations. One signal of the coming battle was the appointment of freshman property rights advocates Keith Olberg (R-Victorville) and Bruce Thompson (R-Fallbrook) to the Assembly Natural Resources Committee, making the "green" movement's traditional hold on that key committee more tenuous.

At the same time, prominent groups like Greenpeace, the Wilderness Society and the Sierra Club were reporting declining membership, revenue and influence. In April of last year, instead of celebrating the 25th anniversary of Earth Day, environmentalists were asking whether anyone still cared about the environment. According to John White, a Sierra Club



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lobbyist, historically, environmental groups in California are not used to losing. "Our hubris left us unprepared for the economic downturn. ...The early 1990s gave us a sobering understanding of just how fast things can turn."

The flurry of activity following the 1994 elections sent a wake-up call to California's environmental groups. They quickly mobilized, often forming coalitions with interested parties to hammer out solutions — as in the case of the December 1994 Bay Delta Agreement where environmentalists joined with agricultural and urban interests to try and resolve a decades-long battle over the San Francisco Bay Delta. But as 1995 came to a close, some environmentalists began to question not only the cost of compromise, but whether environmentalists actually were participating in such talks of their own accord. While some interpret the coalition as a new era of cooperation and a sign that traditionally hostile business interests are willing to accept some regulation, others see environmentalists being forced to the table by the environmentally hostile political atmosphere.

Observers point to the Bay Delta Agreement as one instance of where the latter might have occurred because the negotiations took place at the same time as an attempt to gut the Endangered Species Act in Congress, thus threatening one of the "green" movement's most effective weapons. Zeke Grader, executive director of the Pacific Coast Federation of Fisherman's Associations, crashed the Bay Delta negotiations when he discovered that the agreement would not adequately protect certain runs of salmon in the Delta. Regarding environmentalists' signatures on the agreement, Grader says, "Some of them felt it was the best they were going to get. ...A lot of them are just tired of fighting."

Ann Notthoff, senior planner for the Natural Resources Defense Council, sits on the Bay Delta Advisory Commission, which is responsible for implementing the agreement. Notthoff says the negotiations may not have been worth the effort for environmentalists, if other parties in the negotiations continue to "undermine" the agreement in Washington, D.C. Specifically, she cites attempts by Central Valley agricultural interests to amend the Central Valley Project Improvement Act of 1992, which set aside 800,000 acre feet of water a year for the anadromous fish population, as well as a recent measure by Representative Richard Pombo (R-Stockton), which would amend the Endangered Species Act to prohibit the regulation of water to protect species.

More recently, environmentalists split over an overhaul of California's endangered species act. In the final days of the 1995 legislative session, the Planning and Conservation League (PCL), the National Audubon Society, and the Native Plant Society parted ways with other environmental groups by supporting reforms endorsed by the Wilson administration, developers and agricultural interests. These would have loosened the restrictions for destroying protected species in exchange for encouraging landowners to set aside habitat. The deal fell through when a companion bill sponsored by Senator Jack O'Connell (D-Carpinteria), which would have offered landowners an incentive for handing over land by giving them millions of dollars a year in tax credits for their donations, became stuck in committee.

Senator Tom Hayden (D-Santa Monica), chairman of the Senate Natural Resources and Wildlife Committee, lambasted PCL, the more outspoken of the measure's environmental supporters, for pushing what he saw as a weakening of the ESA.

"You don't need environmentalists to do the compromising. You need environmentalists to paint the big picture, to attack the status quo, and to project the vision," he said in a December 1995 interview with the *San Francisco Chronicle*.

But Jerry Meral, executive director of the Planning and Conservation League, argues that the only way environmentalists can prevent the Legislature from dismantling the ESA is through calculated compromise. "[Hayden] has no control over his own committee. He's dreaming if he thinks his committee can preserve the ESA. We're only one or two votes away from complete repeal of the ESA."

This type of panic over legislation has not reached some corners of California's environmental movement. Gary Ball, co-director of the Mendocino Environmental Center, a community-based organization, says that his group is concerned about what is happening in Sacramento, but, "Being a small environmental group, there's only so much [we] can do ... whatever they do in Sacramento, we'll just have to respond to it."


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But according to Capitol insiders, if environmentalists are not more proactive, environmental protections may be dragged back decades in environmental gains. Legislative staffers have commented that the few environmental groups with hired lobbyists in Sacramento have been utterly overwhelmed by the deluge of anti-environmental legislation. This has given other interests with more money a distinct advantage. According to one staff member, in past battles, like the 1992 timber wars and the effort to get the gnatcatcher listed as an endangered species, environmentalists had the upper hand.

But times have changed.

Although environmentalists in California managed to hold off the worst of the anti-environmental onslaught this year, they watched Wilson sign a bill which will place a measure on the March primary ballot enabling voters to decide whether they want mountain lions more strictly managed. They also saw the repeal of a bill that established environmental advertising standards.

More important, there were a number of near misses that promise to re-emerge in 1996. Capitol insiders say efforts to reform the ESA will undoubtedly continue, as well as attempts to rewrite the California Environmental Quality Act. Environmentalists are also keeping an eye on a bill sponsored by Senator Charles Calderon (D-Whittier) which they claim will lower the quality of drinking water in the state.

Gerald Meral

The battle promises to be fierce because the Republican window of opportunity may be closing. As opinion polls indicate that the public isn't happy with this recent assault on environmental protection, moderate Republicans in Washington, D.C., are joining Democrats to protect the authority of the Environmental Protection Agency and the Endangered Species Act. While this might bode well for the long run, it means that conservative Republicans may be fighting like a cornered cougar in the meantime.

In the coming year, Capitol insiders have warned that, among environmentalists, the left hand needs to carefully watch what the right hand is doing. In other words, they need to coordinate their activities and not be susceptible to a divide-and-conquer strategy. With resources ever tighter and new battle fronts popping up overnight this may prove to be an impossible task.


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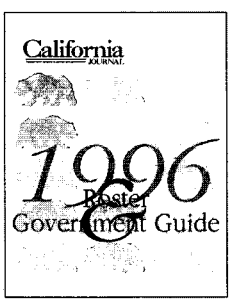


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# The Bottom Line
## government finance

**by Susan Rasky**

### Spending the "surplus"

Nothing, it seems, fires the journalistic imagination like the prospect of a California budget surplus. Even those sober-minded scribes at the *Economist* magazine were stirred to take notice when word of the state's rosy revenue picture reached them.

Okay, okay so it's not all that huge a surplus. So maybe by the time you slice it and dice it and dicker over the economic assumptions and lop off the 50-plus percent that is required to go to K-14 education and figure in the money for the renter's tax credit and the cost-of-living adjustments and the lower rates in top tax brackets and the heaven knows what else that gets shipped downstream from Washington, there is no surplus.

Maybe the computer keyboard just goes back to automatically spelling out *d-e-f-i-c-i-t* after every appearance of the word "budget." But humor me.

For the sake of round numbers — not to mention the journalistic penchant for facile historical comparisons — call the projected surplus over the next budget cycle a cool $1 billion — the same amount that Governor George Deukmejian was required to rebate to taxpayers in 1987 when the state's accounts were last flush. That figure allows roughly full funding of K-14 education as stipulated under Proposition 98 but assumes that other current law funding needs are modified in the give and take of the political process.

Here's how some of the state's most devoted budget watchers would then proceed:

• Steve Zimmerman, managing director, Standard & Poor's Western region: "Whether it really materializes, that's the question. You've got to make a lot of assumptions about what might happen in Washington, so I'd say the first priority is pass a budget that balances, something with real numbers that you can sustain over time, something that doesn't require you to do cross-year borrowing. Number two is a reasonable reserve. In the past, the reserve was $1.2 billion. There's no fixed rule, but it should be at least several percent of the budget. As for further bonded debt, we'd like to see a real capital needs plan that prioritizes expenditures funded by bonds. California's current debt service is now about 5 percent of the budget, that's considered moderate, so increasing it is not particularly a problem, as long as the capital expenditures are orderly and planned."

• Robert Arnold, senior economist and co-founder of the Center for the Continuing Study of the California Economy: "Education, infrastructure and quality of life. But I guess the headline is we need investment in education to train workers for the high-skilled jobs we are creating, and I hope the attention on this budget exposes the fact that we never increased education in real terms. We were a leader, and we're no longer a leader in that area, and we need every extra dime we can get. Certainly a tax cut is something we don't need."

• Joel Fox, president of the Howard Jarvis Taxpayers Association: "Establish a reserve, retire some debt in the hopes of improving our bond rating and saving taxpayers some money over the long term, and trim some taxes. I haven't got any particular notions yet on which ones. I suppose I would put cutting taxes first as a priority, but it depends on a lot of factors, and if we were to end up doing the other two, I'm not going to go around and scream 'tax cut, tax cut!' What I'm saying is, these would be three wise things to do. I also wonder, and I'm not prepared to stipulate this, I'm just musing, if history might not be repeating itself. When Governor [Ronald] Reagan came into office and faced a budget shortfall, he raised taxes. As the economy recovered, those tax increases created a budget surplus and that in turn led to the pressure for Proposition 13. It does make you wonder if we might be heading the same way."

• Lenny Goldberg, director of the California Tax Reform Association: "Reverse the property tax shift for the counties — it's the major budget hit nobody ever talks about. We balanced the budget on the backs of the counties during this recession, and it's absurd to be talking about a state budget surplus when what we did was create a fiscal crisis at the local level. We shifted $3.6 billion in property tax revenues from cities and counties to the schools so the state could meet its obligation to education. The state gave local government back $1.4 billion in sales tax revenue. That's a $2.2 billion net loss. What are we going to do about it?"

• Professor John Ellwood, the Graduate School of Public Policy, UC Berkeley: "The first thing I'd do is postpone any decisions until after Washington makes up its mind about some of the proposals in the federal budget. There are major changes coming for the states. I think the first priority should be building up a reserve because we're going to need it. As for the rest, I'm cross-pressured. Real budget pain remains at the local level, but I don't think the state should bail out the counties. The citizens of California have got to face up to the realities of their skewed tax system — relying on a capped property tax that shifts back and forth between state and local government and taxing sales of goods but not services in an economy where the service sector is growing. If a state budget surplus is used in the short-term to mask that, it allows people to avoid facing what they have to face. I'm afraid this state still lives in Never-Never Land on fiscal policy."



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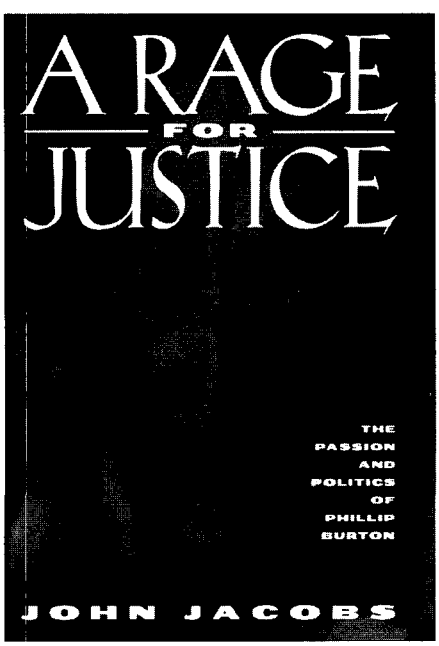
# Park Barrel

## Phil Burton hated the great outdoors, but his energy, perseverance and political smarts created the most important wilderness legislation ever to emerge from Congress.

## By John Jacobs

*Editor's note: Phil Burton didn't just put his mark on California politics; he stomped it into the landscape with a ruthless and single-minded attention to the needs of his varied constituencies — minorities, labor, the poor, the environment and, above all, the Democratic Party. He was a man of gargantuan appetities, massive successes and spectacular failures. And for a generation, he shaped California politics and social policy, first as a state legislator, then as a congressman representing San Francisco. Burton's brilliance, drive and ambition have been magnificently captured in an important political biography by John Jacobs, political editor of McClatchy Newspapers. Jacobs not only chronicles Burton's tumultuous life, but also provides an in-depth view of an era in American political history.* California Journal *is pleased to present a second excerpt from this 578-page biography, focusing on Burton's creation of an omnibus parks bill in 1978. "A Rage for Justice" is published by University of California Press.*




Soon after Phillip Burton became chairman of an Interior Committee subcommittee on national parks, the Sierra Club's Dr. Edgar Wayburn dropped by to visit with staff director Cleve Pinnix. "You have to think of Phil Burton as a big engine," Wayburn advised him. "The job for the rest of us is to lay track." Four years later, when Pinnix and staffers Dale Crane and Judy Lemons finished laying track, Burton, in an extraordinary burst of legislative productivity, had preserved more national park and wilderness land than all presidents and congresses before him combined. His legislation preserved nearly 5 percent of California's landmass and, if the Alaska Lands bill is included—in which he played a significant, though not decisive, role—nearly 10 percent of the entire landmass of the United States.

Between 1977 and 1980, Burton created 30 new units of the national parks system (not including Alaska) and set aside almost two million acres of wilderness in nine existing national parks. He designated eight trails as new "national trails" and eight rivers as "wild and scenic." His omnibus parks bill of 1978, the largest single park bill in history, tripled the acreage of park wilderness, tripled the miles of national trails and doubled the miles of wild and scenic rivers. Besides expanding Redwood National Park, Burton added the pristine High Sierra wilderness area of Mineral King to Sequoia National Park, which the Sierra Club had been trying to do for 65 years; protected the largest outdoors area east of the Rockies — the Boundary Waters Canoe Area, nearly one million acres of lakes and


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Photo by Bruce Hagen

wilderness in Minnesota; created the one-million-acre Pine Barrens National Reserve in New Jersey; nearly doubled the acreage of the Golden Gate National Recreation Area (GGNRA); created the Santa Monica National Recreation Area; and added dozens of new historic and cultural sites. These sites honored Eleanor Roosevelt, Martin Luther King Jr. and Georgia O'Keefe and included a Women's Rights National Historic Park, a Holocaust Memorial Council, and an archeological preserve for prehistoric Chacoan culture in New Mexico. Burton's unique method came to be known as "park barrel." Many members claimed credit for portions of his bills, and indeed earned that credit. But without Burton to wrap all the myriad pieces together and steer them through Congress, these landmark bills would never by themselves have become law.

How was it that a man less at home in Muir Woods than in a darkened cocktail lounge with an unfiltered Chesterfield in one hand and a tumbler full of Stoli in the other could amass such an astonishing conservation record? When Joe Beeman drove Burton to the GGNRA one day, Beeman suggested they get out of the car and look around. "Why the [expletive deleted] would I want to do that?" Burton asked, stamping his cigarette out in the gravel. On another occasion, he turned to congressional protegé George Miller and said, "Isn't the GGNRA beautiful?"

"Yeah, Phil," Miller replied, "it's a nice place."

"Not the place," Burton said. "The bill."

Burton had neither the need nor the interest to experience nature firsthand. He told Pinnix the closest he got to being outdoors was heading 50 yards into the forest to relieve himself. But he understood the benefits of wilderness and solitude. It mattered to people who mattered to him.

For a man obsessed with coming back from a devastating defeat (Burton had been beaten by one vote the year before for House majority leader by Texas Democrat Jim Wright, who went on to become speaker), Burton also recognized the political advantages associated with parks and wilderness: He could turn environmentalism into an elaborate system of chits. Moving beyond California and the redwoods, he gave legislators parks they always wanted but were unable to obtain. Conversely, his threats to preserve land made some apoplectic. Designating a stretch of river "wild and scenic," for example, often enraged the local cattlemen's association, which in turn created major problems for the representative. Either way, Burton had leverage: As with reapportionment, this was the raw power to profoundly affect someone else's district. It was a strategy by which a man whose institutional power had been destroyed could reassemble his power base for another shot at the leadership. If he criticized Speaker of the House Tip O'Neill (D-Massachusetts) or Wright for their inability to "package issues," well, he would show them a package or two of his own.

With the environment, even more than with welfare and black lung, Burton could dominate the field, dazzle his colleagues, reward friends and punish enemies while "doing good." Recalled George Miller, "His field of vision was so great that he could look at 15 political equations and see the one



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missing name. He traded tobacco for minimum wage. Everyone tries to duplicate that but nobody can. Some people voted for his parks bill because there was *not* a park in their district. He looked at parks not as adding acres here or there but as a political statement. Some people want environmental impact reports. He'd say, 'Get me a member impact report. How many members are hurt and how many are helped by this?'"

Moreover, Burton firmly believed that if you have a lemon, make lemonade. He moved faster on Interior than on Education and Labor, and no one let him join Ways and Means, although that hardly kept him away. With his ascension to House leadership gone for now and possibly forever, the environment was his best hand. Had he instead chaired a Post Office and Civil Service subcommittee, Burton might have written equally ingenious laws dealing with federal pay or traded the congressional frank for who knows what. In accepting his assignment on Interior, he made lemonade: His subcommittee chairmanship coincided with a period when people were changing what they wanted the government to do about the environment. Beginning on college campuses with Earth Day in 1970 and spreading into the larger culture, many Americans increasingly said they no longer wanted more highways or bigger dams. They wanted parks, wilderness, recreation areas. Government should preserve, not just build mindlessly.

That sentiment was especially strong in San Francisco — home of the Sierra Club, one of the most influential of all the environmental groups — and just 30 miles north of the Stanford campus, where Earth Day was born. John Muir's love of Yosemite and the Sierra created the modern conservation movement and the Sierra Club. A four-hour drive by car from San Francisco could take outdoors enthusiasts east to Lake Tahoe or Yosemite, to Squaw Valley, or Kings Canyon and Sequoia National Parks. A three-hour drive south took them down the spectacular Highway 1 to Monterey, Carmel and Big Sur. A five-hour drive north led to Mount Shasta, the redwoods or the Trinity Alps.

Sensitive to changing constituencies at home and the need to replenish them, Burton recognized that as his labor base aged and moved to the suburbs, it was being replaced by younger professionals moving back to the city. Many were environmentalists and many were gay — although it took a few more years before he understood what these constituents were about.

**Phillip Burton statue at Fort Mason headquarters of GGNRA. Sculpture is by Wendy Roos. (Photo by J.L. Bierne)**

"You know, Bill," Burton told Wilderness Society director Bill Turnidge, articulating another reason for his interest in the environment, "all the guys here, myself included, run around like crazy passing legislation and taking great pride in it. But if you stay here long enough, you find everything you sponsor is either wrongheaded, because you didn't understand the problem or the solution, is emasculated by the bureaucracy, or is replaced by other legislation or a new program. I figured out the only thing that really lasts forever is parks. That's my accomplishment."

For Burton to pass these enormously complicated packages that he alone understood was also the ultimate act of domination; as with his previous legislation, he could show he was smarter than anyone else. His technical expertise, intimidating style, and hard work wore down his enemies. If greedy developers or voracious timber companies were the losers, so much the better. "The ego satisfaction was knowing he could win, he could beat everybody, with all their computers," recalled longtime Burton associate Tom Joe.

Burton gave a three-hour interview in early 1979 to a scared young reporter named Joan Moody from *National Parks and Conservation* magazine. In that rare interview, Burton revealed his operating principles: "I've got to put the squeeze on the cojónes of the exploitive industries in my state. You'd be shocked how well they'll behave....You have to learn how to terrorize the bastards....If you start *giving* these special interests what they should *end up with*, they don't lose a dime, because they have no limits on their greed or their view of their own self-worth and power. So you have to arm their lobbyists back here with ammunition to tell [their] local people that 'we've got a messianic zealot [Burton] who is going to kill us unless we work out a solution.'...I'll save them from me. Truly, they'll be heroes with their bosses. Do not make them figure out how much more they're going to get, but how much they've got that they're going to lose. Most of my colleagues work it the other end: They kiss the asses of everyone."

For years, the Public Works Committee assembled "omnibus" bills to package public works projects. Including dozens of items in one bill that provided benefits to many members made House passage much easier. That was also one way in which Jim Wright,



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who managed these bills, accumulated his many chits. On a much smaller scale, the Interior Committee in the early 1970s began combining routine items into one bill. These items usually involved raising the funding in some national park by a million dollars or so or expanding a park boundary by a few dozen acres. Soon after Burton became chairman, ranking Republican Joe Skubitz approached him to increase an appropriation for Fort Scott in Kansas by $325,000. Burton later said Skubitz's "one interest in life was Fort Scott." This was the first stirring of Burton's omnibus parks bill strategy.

At the same time, Burton asked for lists of areas that merited protection. In many cases, these were areas where National Park Service staff work had already been done but where Congress had not taken action. In Wayburn's words, Burton was asking them to lay track. While the lists were being assembled, Burton found that his enemies were stalling his redwoods bill in the Rules Committee. Meanwhile, President Jimmy Carter sent over a bill to designate a 48-mile stretch of the Chattahoochee River near Atlanta a National Recreation Area and to appropriate $73 million to buy 6300 acres of riverfront property. Carter had failed to make that happen while governor of Georgia. He was determined to succeed as president.

In a speech he gave to environmentalists in San Francisco at the end of 1978, Burton recalled that when Carter sent his bill over, Burton was worried about getting his redwoods bill out of Rules. "So I toyed with the idea of attaching redwoods to President Carter's Chattahoochee River bill but didn't." He could have held Carter's bill hostage in his subcommittee, in other words, until Rules freed his redwoods bill. In fact, Burton did eventually hold Carter's bill hostage, but for another purpose. He wanted to raise the $600 million Land and Water Conservation Fund by 50 percent. This was a fund to which oil and gas companies contributed from profits on lands leased from the federal government. A larger fund gave him more money with which to acquire land. But when Carter opposed the increase, Burton hinted he would approve the Chattahoochee bill only if Carter supported the fund increase. "He's not holding anything hostage," said Georgian Dawson Mathis, a Burton ally on the subcommittee. "He just bought a little insurance."

When Skubitz approached Burton with an omnibus package that had grown to 30 routine items, Burton said in his speech, "I thought, 'My God, maybe I can use *that* to bust redwoods out of the Rules Committee." Burton got his redwoods rule before that tactic became necessary, but the idea was born. If he could use Chattahoochee or the omnibus package as leverage, why not clear the decks of every worthy conservation project in the country, no matter how controversial? He could wrap them all into one huge bill, just the way Public Works did. "Give me all the park wilderness ever discussed or recommended," Burton told his staff. He was more explicit with Pope Barrow, a lawyer in the House Legislative Counsel's Office, with whom Burton worked closely in drafting the bill.


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"Why not put the whole agenda in here?" he said. "Why not get something for everyone? Christ, we'll pork out." He would load up the bill until he had enough votes to guarantee passage. Burton thus became the first legislator with the imagination, patience and skill to turn environmental issues into the political equivalent of a water project or a defense contract. Others had used parks as leverage for years, but certainly not on this scale. Bob Neuman, an aide to Arizona Congressman Morris Udall, was the first to call it what it was: park barrel.

Armed with new lists, calling on his own vast knowledge of his colleagues' districts and assembling "member impact statements," Burton figured out what they needed before they knew they needed it. He also wanted national historic sites that celebrated a more diverse group of people than dead white men. Maggie Walker, for example, rose from poverty in Richmond, Virginia, to become the first black woman to head a bank. At a cost of $1.3 million, Burton honored her with a national historic site at her place of birth. And by targeting large urban recreation areas for improvements, he could create a bigger political constituency for the national parks.

Skubitz introduced the first version of what Burton eventually made the largest parks bill in American history on October 17, 1977. HR 9601 contained 37 routine items. In the first few months of 1978, Burton held markup sessions on what *he* wanted in *his* omnibus bill: Mineral King, Santa Monica, Pine Barrens, and all the rest. From there, the package grew quickly. By February 1978, it was common knowledge that Burton was assembling a huge parks bill with projects in 150 or more districts. "Phil had 150 members by the ears," said one lawmaker who closely watched the redwoods fight, and who spoke on condition he not be mentioned by name.

Burton introduced his magnum opus, HR 12536, on May 5. The scope, size and cost of Burton's bill was unprecedented. The previous Interior omnibus bill in 1974 was four pages. This had 157 pages and seven titles. Its price tag was $1.8 billion, and its 150 projects affected more than 200 congressional districts in 44 states. It authorized development funds for 34 parks, historic sites, and national seashores. It expanded 12 wilderness areas, created 11 new national parks, historic sites and seashores, and added segments to eight wild and scenic rivers and four new national trails. It also incorporated 90 percent of Carter's preservation program, including $750 million for restoring inner-city urban parks. Title I was Skubitz's original bill. Title II, which added money to individual park units, was where the eye-opening changes began. Staffers were floored. These increases were so huge that each ordinarily would have merited a separate bill, complete with public hearings. Here, each earned only a few sentences. "What Phil Burton was suddenly doing," recalled Pinnix, "was changing the definition of what is acceptable in an omnibus bill."

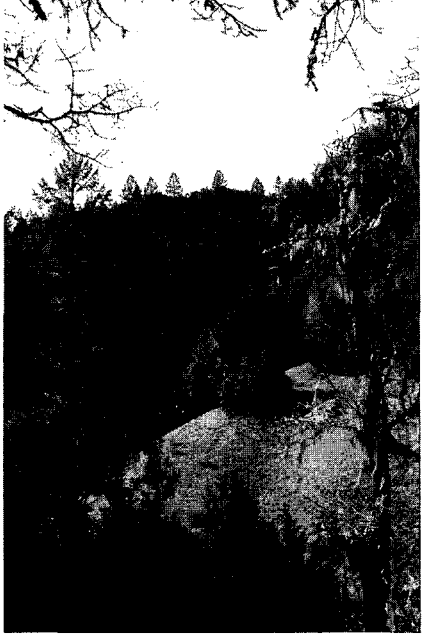

Photo by Bruce Hagen

Title III consisted of boundary changes, which in previous bills added or subtracted a few acres. Some were innocuous. Others showed Burton at his most ingenious. Section 314, for example, added Mineral King to Sequoia National Park. With its 16,200 acres, Mineral King, however, was more than a minor boundary adjustment. One of the loveliest High Sierra backpacking areas, Mineral King was also one of the environmental movement's most important fights. Because it was also a natural downhill ski area, it was always threatened by major development. No project outside Alaska ranked higher on the Sierra Club's preservation list; it had been fighting since 1911 to place Mineral King in the national park, which surrounded it on three sides. Burton introduced a bill to accomplish that in 1969, but it went nowhere.

Mineral King was U.S. Forest Service land. Because the Forest Service strongly believed the area should be used for recreation, it granted Walt Disney Enterprises a three-year permit in 1965 to develop a master plan for a gigantic ski resort. Disney proposed a $35.3 million year-round resort for skiers and hikers. Their plan envisioned up to 33,000 people a night, 8000 skiers a day, and a million visitors a year in a valley two miles long by 1.25 miles wide. Disney also wanted a chapel and a 20-mile access road. The area was just five hours from Los Angeles.

But the threat from Disney galvanized environmentalists, who turned saving Mineral King into a crusade and spent years tying up the project in court. When John Krebs of Fresno introduced a bill to add Mineral King to the park, Burton pushed it through his subcommittee in 15 minutes and then added it to his omnibus bill. Once the Carter administration signed off, Disney wanted reimbursement for $1.2 million, but Burton refused. "A company of that size and influence," he said, had to assume that "sometimes you win and sometimes you don't." If Burton and Krebs had preserved Mineral King and nothing else, environmentalists would have celebrated a huge victory.

Burton's bill passed the House after days of debate. Weeks of hard work fogged it past the Senate, and President Carter signed the $1.4 billion National Parks and Recreation Act of 1978 on November 10th.

One week later, Burton received a letter from Tom Winnett, an old friend from Young Democrats days. He still lived in Berkeley, where he had founded a small publishing business, Wilderness Press, which published books and maps for hikers and backpackers. "Whatever you do in the future," Winnett wrote, "I think you will be remembered for this bill. Thousands of people who over a decade and more sought to preserve Mineral King Valley won't forget you. The Santa Monica Mountains partisans won't forget you. These places I know about because I am a Californian. There must be hundreds of similar places around the country. I have often wondered whether my political efforts were really worth it. Now I can feel that if I did nothing else, I did in some small way contribute to your election to the House, and if that hadn't happened, this bill wouldn't have happened."



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# High-Powered Seminars from State Net and the California Journal

**These programs deliver a "knock-your-socks-off" learning experience straight from the heart of the capitol.**

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- **Expert presenters**
- **Valuable insight you can put to work tomorrow**


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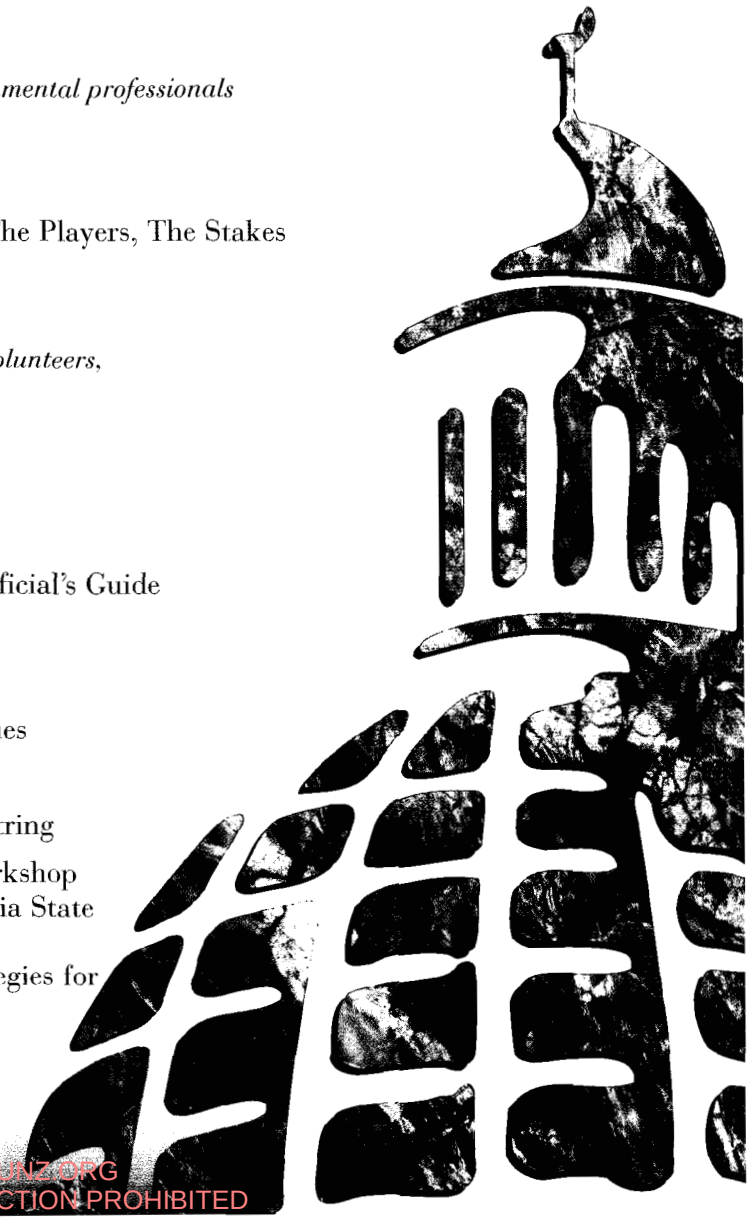

**Winter and Spring 1996**

**State Net Professional Education**

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# 1996 Legislative Preview: Politics vs. Issues

*A power-session with legislative insiders*

If you have anything at stake during the 1996 legislative session, attend this stimulating executive briefing. This is NOT a how-to seminar, it's a sharing of wisdom by some of the most experienced Sacramento insiders.

Join star-quality media and capitol correspondents, prominent lobbyists, and legislative staff for a frank, revealing and provocative discussion of 1996's critical issues. On the agenda:

- How will federal-state relations, calendar changes, elections, and early primaries affect the legislative process.
- With term limits kicking in and committees in flux—whom do you lobby?
- Will the 1996 Pete Wilson be "campaign Pete" or "governing Pete" and what is the impact?
- With Willie gone and revenues rebounding, what budget issues will take center stage?
- Can progress be made on any cutting-edge issues? Is this the year to hunker down instead of attempting any significant initiative?
- On the election: how can you learn which candidates to support early?
- And more.

Audiotaping of this valuable information is encouraged. If you can't make this seminar—send a colleague with a tape recorder.

**One time only—January 12**

**$149**

# Primary Election Postmortem

*The Outlook for November*

Two-days after the primary election (historic for its earliness), you can participate with political consultants, pollsters, media observers, legislative leaders and key staff in an interactive discussion of what the results portend. You'll get useful early analysis and fascinating insight on these topics and more:

*Early primaries*—What is the impact on races and the costs of campaigning?

*Results foretold*—How many of the 100 legislative seats up for grabs in the general election are already decided?

*Partisan politics*—Are we drifting more toward Newt's revolution or back to the middle?

*Women in politics*—The surge in participation leveled off in 1994, what do the primaries tell us about the future?

*New parties*—How did they do and what does it tell us?

*Ballot propositions*—Will tort reform legislation be affected by the success or failure of tort reform initiatives?

*Open primaries*—If successful, what will they mean to future campaigns?

This program is ideal for anyone who reports to association members or legislative review committees on election results. The information you gain will be essential in deciding where to allocate resources during the eight-month general election.

Don't forget, if you can't attend this information-rich program—send an associate with a tape recorder.

Register early. Space is limited.

**One time only—March 28**

**$149**

*"Everyone who hopes to be productive in the legislative arena should run, not walk, to one of these seminars."*

John R. Falk
Falk & Associates



**Reserve your seat today . . . (800) 726-4566 or (916) 444-0840**

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## Budget Basics

*Half-Day Seminar*

*For government officials and other professionals who need an overview, without the technical details.*

An executive review of California's budget process for "non-numbers" people. Ideal for local government and business people who need to track budget issues from a distance and communicate with members, staff and key budget handlers.

In just one-half day, you'll understand:

- budget terminology and short-cut language
- key roles of the State Department of Finance and state agency budget offices
- how the budget is "built" from memo to actual introduction
- how decisions are made and priorities are set
- how and where to find the items that contain your programs or projects
- the new, informal processes that have been developed to deal with chronic deficits

We guarantee that you'll walk away with a good grasp of the budget process and the ability to understand media reports and staff discussions of state budget issues.

**February 26, 27, 28**
**May 21, 22, 23**
**Special Locations to be Announced—Call for Details**
**Half Day**

**$75**

***Attend both half-day seminars: Budget Basics and The Legislature and You: The Government Official's Guide to Process, Tracking and Capitol Access and save 15%. Your cost: $127.***

## Building the State Budget: The Process, The Players, The Stakes

A step-by-step adventure through the mysterious territory that is California's year-long budget process. With expenditures of up to $70 billion a year, the state budget mirrors California's position as the seventh largest economy in the world. Yet, few outside Sacramento—and not many more inside—know how the budget is actually developed and passed.

This comprehensive seminar:

- explains how the budget is drafted by the governor
- how the Legislature massages, refines and reshapes the budget

You'll learn:

1. the nuts & bolts of the budget process
2. how to find the information you need, when you need it
3. how to track specific budget items
4. where you can plug your input into the process (you can "lobby" the budget even as it is being developed!)
5. how to access insider staff and decision makers—even from a distance

This seminar is *de rigueur* for:

- ◇ State and local government employees who need to understand and analyze the budget
- ◇ Companies or associations with a stake in capital outlay projects
- ◇ Anyone whose programs may be augmented or reduced by budget changes

**January 26**
**March 14**
**June 21**

**$149**

*"Very informative. The knowledge of the instructors was superb."*
Tom Crackette
California State
Air Resources Board

*"★★★★ Informative and engaging!"*

*"Excellent! I learned a great deal, as always."*
Art Linden
20th Century
Insurance Company

*"Without reservation, one of the best training classes I've attended in nine years of state service."*
Joyce E. Miller
Training and Development
Dept. of Consumer Affairs

*"This was the single most informative class I've taken. I learned in detail what's happening in the Capitol."*
Judy Cross
Crown-Zellerbach

*"Whether you are a seasoned veteran of state politics or just entering the political sphere, you will leave this seminar enriched."*





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## Bill Tracking & Analysis

One of the most challenging responsibilities relating to the legislature is identifying early which among the more than 5,000 bills introduced may affect your organization. Analyzing and explaining what bills will do and then tracking them through the complex steps of the legislative process can be daunting.

This seminar gives you tools for successfully tracking and analyzing bills. You'll participate in a comprehensive review of the legislative process. You'll walk through the process as if you are a member or legislative staffer handling bills, amendments, official committee reports, analyses and more. All the lingo and jargon are translated and you will gain a thorough grounding in where to go for quick information on the status of legislation.

This lively seminar also gives you an intense and proven review of bill analysis techniques plus valuable tips on research and writing.

Who should attend:

- ◆ lobbyists and their support staffs
- ◆ state & local agency employees
- ● companies and associations who employ professional representation
- ◆ state and local officials in sign-off positions who analyze pending legislation

An essential introduction for some...an efficient, detailed review of the legislative process for others.

**January 25**
**March 29**
**April 12**
**June 20**

**$149**

## Demystifying the Legislative Process

*Designed for support staff, new lobbyists, volunteers, and professional staff.*

This fast-paced, comprehensive review of the law-making process is ideal for busy professionals who need to understand the language and flow of business at the state Capitol.

You'll learn how the system works:

- the key rules, slang and deadlines
- procedural steps that produce bills, amendments, reports and staff analyses
- how to use publications available in the Bill Room to track legislation and guide your contact with legislators
- what happens after the gavel bangs and what it means to you
- what goes on behind the scenes that could affect the outcome of your issues

During lunch you'll enjoy an informal Q & A with a state legislator.

In the afternoon, you'll gain an insider's perspective on issues and problems in the legislative process including:

- how term limits have changed the legislative landscape
- how lobbying methods have evolved to deal with intense new partisanship

Finally, you'll share in open discussion on problems and roadblocks encountered in your dealings with the legislature and how to overcome them.

**January 18** **April 9**
**June 28**

**$149**

## New Curriculum
## Bill Drafting and Analysis Workshop

*Skill building for anyone who writes or evaluates bills.*

Roll up your sleeves for this nuts & bolts session.

**Part one:** Learn, step-by-step, how to dissect bills and transform obscure "legalese" into plain, useful English. Learn how to determine—and then clearly describe—what a bill will do if enacted.

**Part two:** Gain solid training on drafting techniques that will help you write clear, precise language in both new bills or amendments.

After just a few hours in this lively seminar, you will know:

- how to recognize mandated activities
- how to spot the potential fiscal effects of bills
- how to recognize hidden agendas
- what could trigger new rules and regulations
- if a bill departs from established state policies
- more!

You will walk away from this seminar with:

- tips on crisp, succinct and professional writing
- loads of information contacts and resources
- proven bill analysis methods

You are encouraged to bring past bill analysis or writing problems for group discussion.

**February 7** **April 3**
**May 3** **June 7**

**$149**

*"Packed with pertinent, practical information...the presentation was well-organized and entertaining. I particularly enjoyed hearing the latest anecdotes straight from the Capitol. All my questions were precisely answered and I was able to put what I learned to immediate use. I would recommend this course to anyone who needs to analyze and follow bills."*

Lilli Ann Papaloukas
Matson Navigation Company Inc.



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New!
Special Two-Day Seminar

## The Complete Government Relations Workshop
## Part One: Congressional and California State Legislative Procedures
## Part Two: Effective Tactics and Strategies for State and Federal Lobbying

*Co-Sponsored by Congressional Advocacy Planners*

Attend our intensive two-day workshop and you'll gain expertise in state and federal government relations that will pay dividends for your government affairs program. Developed by former Congressional and state legislative staff, this powerful session equips you with the inside knowledge you need to influence legislation on any level.

**Part one:** Introduces you to Congressional and California state legislative procedures. In one day, you will understand:

- the intricacies and nuances of legislative procedure
- how to identify and track bills through key steps of the legislative process
- important terms and traditions

**Part two:** A full-day mastering effective tactics and strategies for state and federal lobbying. You will learn:

- general do's and don'ts inside each capitol
- how to use the often obscure, arcane legislative procedure to your advantage
- how to prepare for and conduct meetings with staff and members
- all the secrets about how members, staff and lobbyists really respond to your issues and why you need to play their game

**Part One:** **March 21** **June 13** **Part Two:** **March 22** **June 14**

**$149 per day.**
**$253 for both days. You save $45!**

## The Legislature and You:
### The Government Official's Guide to Process, Tracking and Capitol Access

*Half-Day Seminar*

Developed for California's local elected and appointed government officials, this lively workshop is designed to teach you the new rules to an old game. You'll review the legislative process including:

- similarities and differences of the Senate and Assembly
- the committee system
- the path of legislation
- terminology
- and how to track bills from a distance

You'll receive valuable tips on developing key contacts in Sacramento and how to build and keep the trust of key staff and members. You'll also have an opportunity to share with your peers while learning the latest trends and statistics related to the state's changing demographics, term limits, and more.

**February 26, 27, 28**
**May 21, 22, 23**

**Special Locations to be Announced—Call for Details**

**Half Day**

**$75**

*Attend both half-day seminars:*
*Budget Basics and*
*The Legislature and You: The Government Official's Guide to Process, Tracking and Capitol Access and save 15%.*
*Your cost: $127.*



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Now- New Unit on Effective Media Relations

## Winning Communication Strategies:
### How to Be Persuasive and Effective in Legislative Relations

Make commanding and effective Capitol contacts—even from a distance. Whether you are sponsoring or attempting to amend legislation, this seminar is essential to avoid timing problems, innocent breaches of protocol, and to help you to avoid pitfalls which can occur along the path of legislation.

Association executives, government professionals and lobbyists: this program will enhance your ability to work the system to a successful outcome.

You will learn:

- the general do's and don'ts inside the Capitol
- specific strategies to employ in accomplishing your goals
- what is expected of those attempting to "work" the system
- how to protect your organization's image
- how to extract a "win" from a losing situation
- how to employ new technology to shape messages to voter groups
- and much more!

New Media Relations Unit

Make creative use of media opportunities—learn what to say and how to act when the media calls. Establish credibility for your organization and your issues by strategically using the media to your advantage.

*We recommend that you first attend **Demystifying the Legislative Process, Bill Tracking & Analysis** or have familiarity with the legislative process before attending this program.*

**January 19**
**May 17**

**$149**

## Grassroots Lobbying:
### Success on a Shoestring

You can create a successful citizen advocacy program even on a limited budget. You'll leave this session armed with practical knowledge that you can instantly put into practice. In just one day, you'll super-charge your grassroots program with tips on how to:

- make effective and creative use of the media
- intelligently marshall local organizations and energies
- select and communicate your message
- set and control the legislative agenda
- lobby from a distance
- and more

Experienced grassroots lobbyists will share their experiences and give you pointers on how to use low-cost tools to create a grassroots network for your members.

**February 16**

**$149**

**Complete Schedule on Back Page**
**Mark Your Calendar**
**Plan to Attend**

## LOCATIONS

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State Net Learning Center
2101 K Street
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Parking is Free

Southern California
Locations to be Announced
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## Custom Education Programs

We can customize any State Net program to fit your organization's needs. And we can present it to your group (large or small) at a time and location that is convenient for you. We also provide keynote speakers, consulting services and help in critical legislative situations. Call us at (916) 444-0840 or (800) 726-4566 for a quote or proposal. Our custom programs are an affordable and attractive training alternative for many associations and corporations.

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# FAST, EASY REGISTRATION

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$149 for full-day seminars
*Your enrollment fee includes lunch, resource materials and free follow-up consultation.*
$75 for half-day seminars

**Special Savings:**
**Save 15%!** Register for two or more seminars from this schedule and receive your second seminar at 15% off.
**Save 15%** when 2 or more people from the same organization attend the same seminar. Government employees receive a 15% discount. *Discounts may not be combined.*

**Full-Day Program Schedule:**
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*Program:* 9:00 am to 3:30 pm
*Lunch and Peer Networking:* 12:00 noon

**Cancellation:** If you cannot attend a seminar for which you are registered, you may send a substitute or receive a credit toward a future seminar. If you cancel your registration at least 48 hours before the seminar, you will receive a full refund. Later cancellations will be refunded less a $25 administrative fee.

**Tax Deduction:** The expense of continuing education, when taken to maintain and improve professional skills, is tax deductible. Please contact your accountant for details.

**Guarantee:** We realize that you and your organization place a high value on your time. And so do we. That's why you can expect every State Net Education Seminar to be packed with useful information you can put to work immediately. If you are not satisfied with the return on your investment, please let us know. We will refund your registration fee in full.

**MCLE (Continuing Education):** State Net certifies that these activities have been approved for MCLE credit by the State Bar of California in the amount of 5 hours for full-day programs and 3 hours for half-day programs. Exception: Primary Election Postmortem.

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**Please check the seminar(s) and date(s) you are registering for:**

☐ **1996 Legislative Preview: Politics vs. Issues**
☐ January 12

☐ **Bill Drafting and Analysis Workshop**
☐ February 7 ☐ April 3 ☐ May 3 ☐ June 7

☐ **Bill Tracking & Analysis**
☐ January 25 ☐ March 29 ☐ April 12 ☐ June 20

☐ **Budget Basics**
February ☐ 26 ☐ 27 ☐ 28 May ☐ 21 ☐ 22 ☐ 23

☐ **Building the State Budget: The Process, The Players, The Stakes**
☐ January 26 ☐ March 14 ☐ June 21

☐ **Demystifying the Legislative Process**
☐ January 18 ☐ April 9 ☐ June 28

☐ **Winning Communication Strategies**
☐ January 19 ☐ May 17

☐ **Grassroots Lobbying: Success on a Shoestring**
☐ February 16

☐ **Primary Election Postmortem**
☐ March 28

**The Complete Government Relations Workshop:**

☐ ***Congressional and California State Legislative Procedures***
☐ March 21 ☐ June 13

☐ ***Effective Tactics and Strategies for State and Federal Lobbying***
☐ March 22 ☐ June 14

☐ **The Legislature and You**
February ☐ 26 ☐ 27 ☐ 28 May ☐ 21 ☐ 22 ☐ 23

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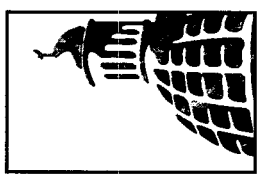

## 1996 Schedule - Mark Your Calendar

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- 18 Demystifying the Legislative Process
- 19 Winning Communication Strategies
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**February**
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- 16 Grassroots Lobbying: Success on a Shoestring
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- 26, 27, 28 Budget Basics

**March**
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- 21 The Complete Government Relations Workshop ***Part One:*** Congressional and California State Legislative Procedures
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**April**
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- 28 Demystifying the Legislative Process

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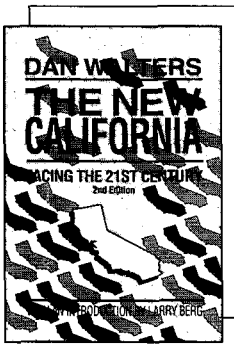
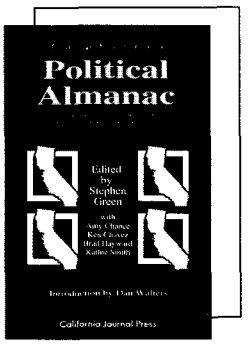
# Journal Bookstore

## Books and pamphlets from California Journal Press

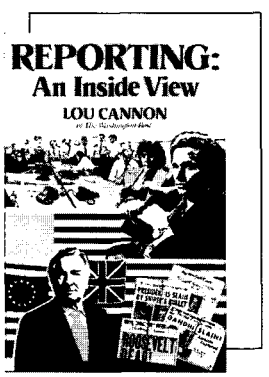
**The New California: Facing the 21st Century, 2nd Edition.** By Dan Walters with an introduction by Larry L. Berg. *The Sacramento Bee's* well-known political correspondent, Dan Walters, completed a 9,000-mile odyssey through California's 58 counties which served as the basis for this book. It describes the socioeconomic future of the nation's largest state and political implications of these trends. This 1992 edition is 186 pages long and contains numerous charts with detailed political and demographic data based on the 1990 Census. 51/2 X 8 1/2", $11.95.




**California Political Almanac.** Every reader becomes a political insider with this candid analysis of California's political leaders written by Sacramento's most knowledgeable journalists. The new, 1995-96 *California Political Almanac* contains biographies, photographs, voting records and dis-trict description for every member of the state Senate, Assembly and Congress, as well as for every constitutional office. The *Almanac* also includes chapters on the bureaucracy, lobbyists, media, local government and much more: over 550 pages of data and analysis. 1995, 6x9", $34.95, paper. Available now.

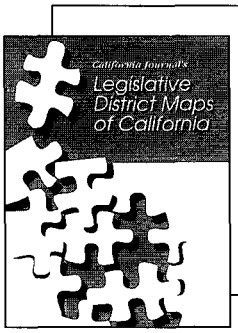



**Reagan: The Role of a Lifetime.** by Lou Cannon.The best book on the Reagan presidency by the reporter who covered Reagan for more than 26 years for the *San Jose Mercury News* and *Washington Post*. We have obtained a supply of the original hardcover 900-page edition. Originally sold at $24.95, it is available now to *California Journal* subscribers for $9.95.

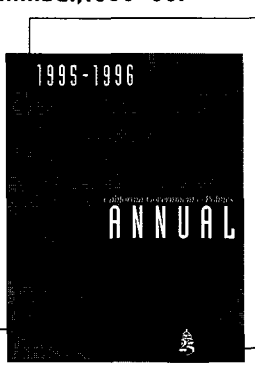



**Reporting: An Inside View,** by Lou Cannon. How many of us know what really goes on behind the scenes in the complex process that determines what is and what isn't fit to print? Anyone interested in the working of the press will find *Reporting: An Inside View* fascinating. 1977. 6x9", 308 pages. $9.95 cloth, $4.95 paper.

**Legislative District Maps of California.** Included in the 20-page booklet are written descriptions of all 80 Assembly, 40 state Senate, 52 congressional and 4 Board of Equalization districts including major-party registration and ethnic data. Also included are 5 pages of maps. 8 1/2 x 11". Prices: 1-2 copies, $4.95 each; 3-49 copies, $2.95 each; 100 or more, $1.49 each.




**California Government and Politics Annual,1995-96.** Published every year, the Annual includes a brief overview and reprints of *California Journal* articles covering the three branches of government, politics and elections, lobbying, finance, local government, direct democracy, and other issues. 8 1/2x11", 96 pages. $8.95, paper.

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# Hurrying up

## The Public Utilities Commission began the lurch toward electric deregulation with its "blue book" of 1994. But the commission since has seen the revolution run away without it and it may no longer be able to lead a process it began.

By Bob Miller

The president of the California Public Utilities Commission, Daniel Fessler, recently issued a press release brimming with institutional confidence. "We know Californians and others throughout the nation and world are keenly interested in our proposal," he declared. Only two years ago, Fessler's certitude would have been justified. The PUC was then the first regulator brave enough to tackle one of the last of the old-line monopolies — electric power. Now, however, at the hour when the PUC is ready to extinguish the utilities' franchise, some PUC observers say the distance between its apparent authority and actual authority has perhaps never been greater.

The PUC's chief policy strategist, Virginia Coe, said market forces — in electric power, as well as in other highly regulated areas — have forced the commission to re-evaluate its position. "What I see," she said, "is a state regulator — arguably the most powerful in the country — reflecting on its very role."

The electric power industry in California is on the edge of the most dramatic realignment since Congress endorsed the monopoly model in the 1930s. Electric entrepreneurs will soon cobble together a market for power where price will drive the industry, and where the public can choose the cheapest supplier. The utilities' hegemony over their captive customers — "ratepayers," in the old, unfriendly idiom — will vanish along with their primary mission to generate power. And, if all goes as imagined, everyone will pay less for something about which most of us never pay any attention.

California's electricity rates are roughly 50 percent above the national average, and manufacturers sensitive to cost variables have sent more than 400,000 jobs to cheaper-power regions in only the last five years, according to Mike Perreira, energy director for glass manufacturer Owens-Brockway. Starting as early as 1981, a clear consensus formed to break the utility monopoly; "it's inevitable" is the phrase repeated by everyone in the industry.

But that very consensus unleashed a cauldron of pressures that the PUC is now struggling to calm. Some in the Legislature sought to influence the reform; aggressive independant power generators like Destec started to seduce utility customers; and the $32 billion question of who should pay for unprofitable utility resources has stumped everybody.

"We're not waiting for anyone to do anything," said an impatient Walter Homan, vice president of Destec. "We're

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*Bob Miller is a reporter with the California News Service, a project of the graduate school of journalism at the University of California, Berkeley.*



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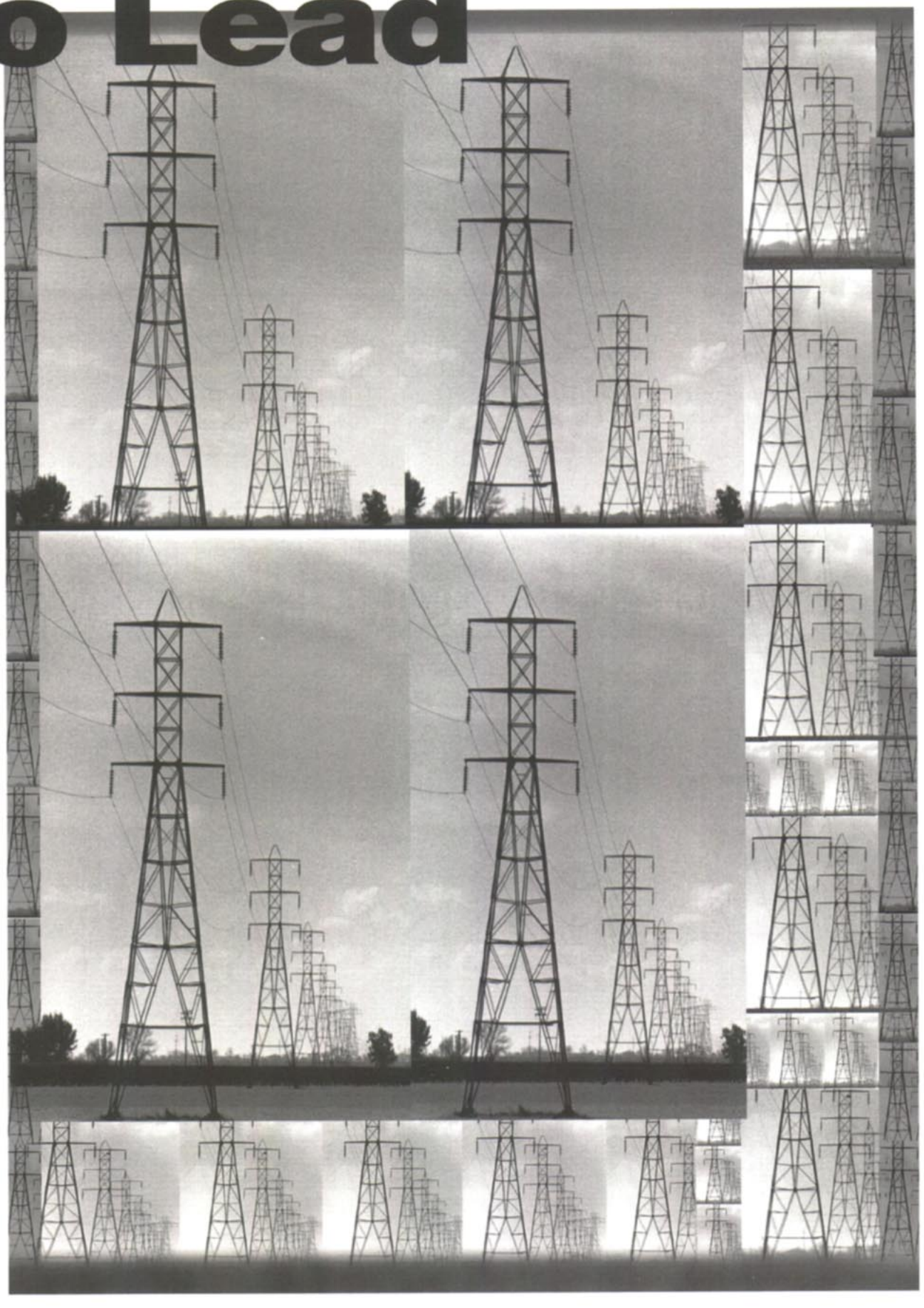
# to Lead





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just doing it, and we're pulling the industry deregulation process along with us by doing what we're doing." The result, he predicted, is one that will complete the eclipse of the PUC. "It's going to be a judge in San Francisco or Los Angeles who makes the call, and everyone is going to be there."

The current process began in February 1993 when the PUC's Division of Strategic Planning presented the commission with the so-called "yellow book," a manifesto that deplored the tired thinking of the monopoly regime and warned the PUC to prepare for the inevitable: "If allowed to continue, the incompatibility between regulation and the industry will worsen as competition mounts."

Only three years later, the division's caution seems almost comical for its understatement; the "incompatibility" has worsened to the point of derision by young turks like Homan. Strange as it may seem to Homan, the reasons for this divide are found in the boldness of the PUC's method, not in any bureaucratic inertia.

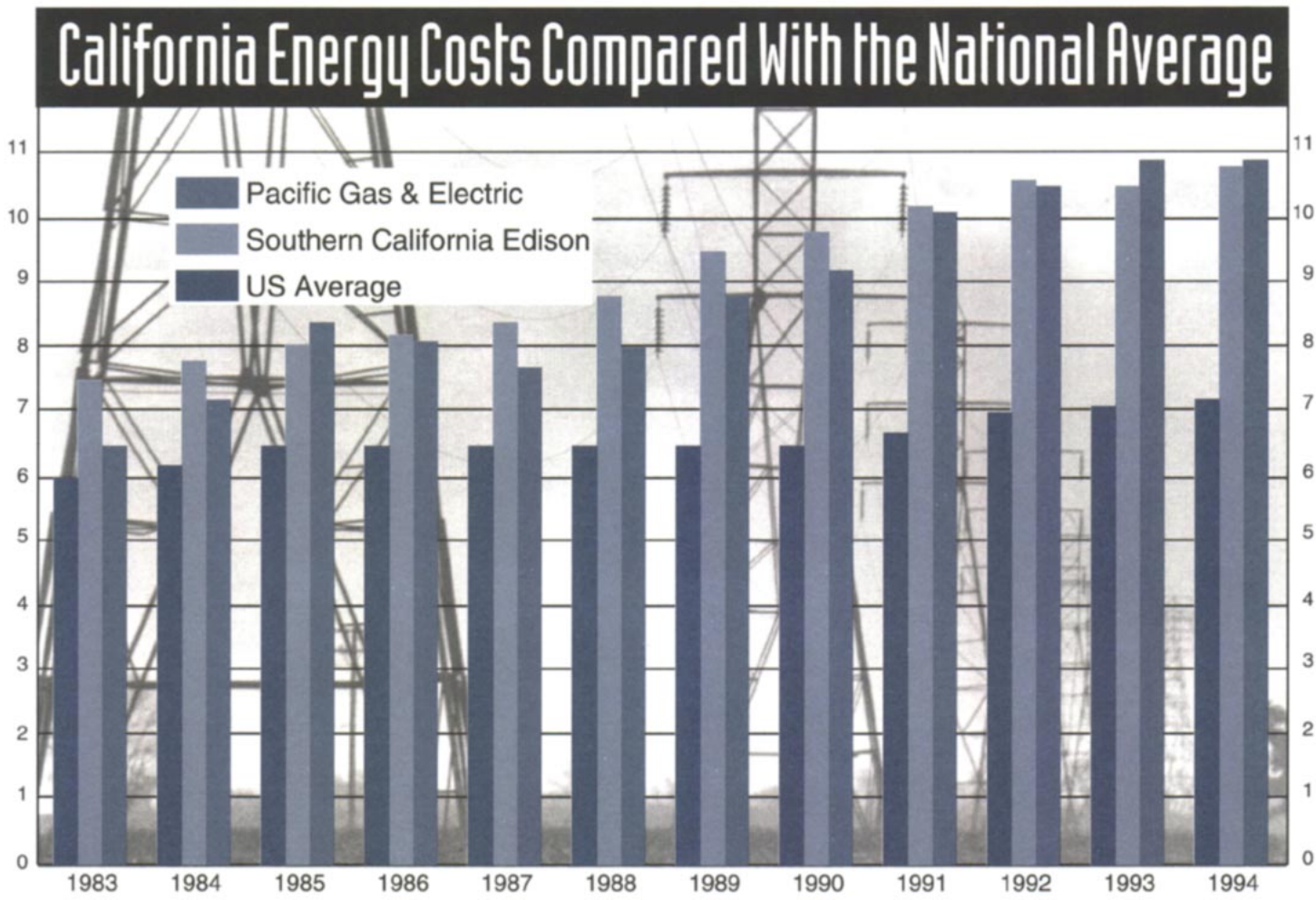
In April 1994 the PUC leaped way out in front of the national debate with the "blue book," an order calling for head-to-toe change in the institutions of electric power and an open market by January 1, 2002. The blue book, according to Coe, was "ground zero" in the process of reform, and it stunned the industry. Pacific Gas & Electric, the largest investor-owned utility in the country, saw its stock value collapse by about $2.8 billion in three weeks (a 22 percent whack), and the prohibitive mass of the status quo actually moved.

"That was the moment the PUC had the maximum ability to influence the debate," said Coe of the blue book's release. "Ten minutes after that, it started losing that ability."

The blue book's sharpest stroke was the incorporation of retail competition into the scheme. After Congress passed the National Energy Policy Act of 1992 and thereby opened the wholesale energy market to competition, most state regulators busied themselves with changes in the wholesale and bulk power markets. The PUC, however, took the logic of act and applied it to the far wider retail level. "I'm sure in the view of many people throughout the nation we leapfrogged the whole wholesale debate," Coe acknowledged.

That decision literally traumatized the utilities, for within a few years they would have to reconstitute themselves into nimble, profit-conscious competitors after generations of guaranteed returns on investments and guaranteed customers. With the advantage of hindsight, Coe concedes that the blue book set an overly ambitious schedule for reform. First, no one really appreciated just how calamitous the order was for the utilities. But just as important, the PUC itself was divided between two camps led by commissioners with profoundly different views of the electric world — Fessler and Jesse Knight Jr.

Broadly understood, Knight argued for the model of pure competition where every consumer could elect a supplier, and where consumers and utility stockholders would share the expenses of the $32 billion in so-called sunken costs.




* Numbers reflect Cents per kilowatt-hours

Sources: LS Hyman, America's Electic Utilities 1992



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Fessler preferred the creation of a mandatory power exchange — a purchasing pool responsible for managing the sale of power supplies. Under his proposal, consumers would not be able to contract directly with suppliers but would bid for power through a price-setting intermediary. The theory was that this would protect system reliability and force consumers to pay their fair share of the costs of a system built by the utilities to serve consumers' needs. Most of the utilities lined up behind Fessler, independents supported Knight, and the pace of reform rapidly decelerated.

"You've got the PUC in disarray between President Fessler and Commissioner Knight," said Bill Monson, a consultant to various independents. "There's an incredible power struggle between them now."

Coe disputed this characterization. She said the differences between Knight and Fessler were serious but principled. Any debate with such enormous implications, she argued, must move deliberately to achieve a compromise that will win broad consensus.

To make matters even more complicated, Senator Steve Peace (D-Chula Vista), among other lawmakers, had argued that the Legislature should help to draw the blueprint for deregulation. Indeed, Knight captioned a May 1995 proposal as a recommendation to the Legislature, as well as the public, in a nod to their authority.

Knight and Fessler likely will fashion a hybird of both models patterned after a symbolic truce signed in September by Southern California Edison, the California Manufacturers' Association and a consortium of independent producers — a voluntary pool for near-term purchases followed by direct access for all consumers several years down the line. But that's not the end of the problems. The biggest dispute — the one most likely to leave the PUC waving from the bench — is the issue of who pays for sunken costs, a $32 billion problem, according to the worst-case scenario in Knight's May 1995 proposal.

What the utilities want from the PUC, and what they won't get, is time. Time is crucial because time affords the utilities the opportunity to recover for their enormous investments before competitive pressures force them to write off huge losses. PG&E spokesman Tony Ledwell said PG&E charges, on a system-wide basis, about 10.6 cents per kilowatt hour. That price, however, includes subsidies to maintain old technology, nuclear power production, and the many experiments into alternative resources mandated by the Legislature over the last several decades.

In exchange for taking on such experiments and other socially desirable burdens, the Legislature guaranteed the utility a fair rate of return through the price-setting mechanism at the PUC. But without the guarantee, everything that contributes to generation costs above the market price has to go. This is the stuff that constitutes sunken costs — all the PUC-approved capital investments and long-term energy contracts with independent suppliers that do not yield a competitively priced commodity.

"We're talking about billions of dollars," said Ledwell, and it's billions that the utilities and their shareholders think they have a right to recover.

They can, if the PUC holds off final deregulation for another several years. But further delay merely postpones the inevitable and, in a cruel twist, makes full recovery that much more difficult for the utilities. Consider, for instance, the deal Destec struck with the Port of Oakland. Because it is a "wholesaler" of power, the port qualified for direct access to Destec's resources. Starting January 1st, and for the next five years, the port will flip switches and light up its airport and docks for less than half the price it paid to PG&E, according to Homan. The $8 million the port will pay Destec translates into $16 million less for PG&E to apply to its capital costs, assuming the port would have paid double the Destec rate to PG&E.

"The name of the game is bypass," said Homan. "We're going to bleed the monopolies." Homan very nearly bursts with bravado for good reason — he's got a cheaper widget that looks, feels and works just like the original.

Although the port deal stings PG&E, the number of wholesalers willing and able to commit treason against the utilities now is comparatively small. But that's little comfort. If the PUC does not liberate the market soon to retail competition, according to Monson, the definition of "wholesaler" is sure to be tested and stretched for maximum private gain. If the PUC does quickly liberate the market, however, the utilities will not be ready to compete, and the specter of a power plant fire sale becomes more than an idle worry.

Perreira and others on the consumer side have little sympathy for the utilities' plight. "Had they started making changes 10 years ago," he said, "they could have done a better job of downsizing as opposed to where they are right now, which is circumcising."

The situation, then, has boiled down to a question of public policy. Should the PUC guard the fiscal integrity of the utilities by postponing retail competition and by allowing for 100 percent recovery of sunken costs? Or, should it favor consumers with immediate direct access to less-costly suppliers and limited exposure to the costs bill?

On December 6, 1995, with the world watching, the PUC punted. It again delayed — without comment or apology to the assembled industry executives — a final decision on electric restructuring until the end of last month. If their persistent indecision is any bellweather, then the future resolution of sunken costs may well be a tepid order to share the tab among consumers and stockholders without any specific allocations.

"Eventually the whole thing will come to a screeching halt," said Homan of the shared-costs conflict, "and someone like Harold Greene, some big-time guy, will handle it." Greene was the federal judge at the center of the AT&T breakup.

That "big-time guy" was once indisputably the PUC. Not any more. Now the issue for the PUC, according to Coe, is what's left of its former self: "What is our role in relation to those who we regulate?" Twenty years ago, that question would have been considered absurd.

The PUC will have a diminished role in the future, but it is hardly ready for retirement. Its identity crisis came, after all, because it had the guts to signal the inevitability of reform before any other regulator. And, while the PUC meditates on its future role, Coe still believes it can shape and referee the market forces that seem to move faster than lightning. "I'm not at all in despair," she said.

But those words, and the PUC's position, recall another forward-thinking statesman. Alexandre Ledru-Rollin, the French revolutionist, watched a mob march by his window in 1848. "There go the people," he observed. "I must hurry up and lead them."


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# A Twisted Tale

## Orange County's clique of conservative insiders completed their retribution against former Assembly Speaker Doris Allen with a successful recall and the election of a hand-picked successor. But the campaign and its aftermath generated more plots and subplots than a Russian novel, not to mention a criminal investigation by the Orange County District Attorney.

By A.G. Block

When Sir Arthur Conan Doyle first introduced Sherlock Holmes to the world in "A Study in Scarlet," he thrust the detective into a case where the murder victim is discovered in the dining room of an empty house, the word "rache" scrawled in blood on a nearby wall. "Rache," as Holmes points out to the befuddled police, is the German word for "revenge."

Not long ago, the political world discovered former Assembly Speaker Doris Allen's (R-Cypress) career on the dining room floor, "rache" scrawled on a nearby wall. The blunt instrument of her demise was a November 28th recall election, the final act in a six-month crusade launched when the 59-year-old legislator was elected speaker last June. She was the second legislator recalled in 1995, the first being Assemblyman Paul Horcher (I-Diamond Bar), who was ousted last May from a suburban Los Angeles district and whose demise was precipitated by the same set of circumstances that finished off Allen.

On the surface, the question posed by the Allen recall was simple enough: Should the voters of the 67th Assembly District kick her out of office and, if so, which one of five candidates should replace her?

But summarizing the recall in those terms is like saying that "War and Peace" is about a guy who tried to shoot Napoleon, because the campaign itself generated enough twists and intrigues



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# of Revenge

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Baugh

Allen

The seeds of Allen's ruin were planted as far back as 1992 when she and two other Republican incumbents — Tom Mays and Nolan Frizzelle — were engaged in a rugged primary after being dumped into the same district by the 1991 reapportionment.

to make a Russian novel look like the script from a Jim Carrey movie. The plot is replete with tales of fake candidates, criminal investigations, fall guys, financial chicanery, intra-party brawls, inter-party brawls and — above all — of revenge.

The seeds of Allen's ruin were planted as far back as 1992 when she and two other Republican incumbents — Tom Mays and Nolan Frizzelle — were engaged in a rugged primary after being dumped into the same district by the 1991 reapportionment. Allen won, but the victory strained her relationship with conservatives in the Assembly Republican caucus who had wanted her to move into some other district. The strain was exacerbated after it was learned that she had received substantial campaign help from the California Teachers' Association, long considered an ally of hated Democrats.

Her relationship with caucus leaders dissolved completely early in 1995 when she ran for the state Senate in a bare-knuckles special election that also featured one of the grand poohbahs of Orange County conservatism — Assemblyman Ross Johnson (R-Fullerton). Although Johnson was a carpetbagger in the Senate district, he was backed by a powerful clique of Orange County conservatives, including Senators Rob Hurtt (R-Garden Grove) and John Lewis (R-Orange), Assemblyman Curt Pringle (R-Garden Grove) and county party chairman Tom Fuentes. In addition, a good chunk of the GOP caucus weighed in on behalf of Johnson. As a result, his eventual victory left Allen feeling bitter and abused, but she soon found an avenue for her wrath.

As summer approached and Republicans inched toward solidifying control over the lower house, then-Speaker Willie Brown Jr. (D-San Francisco) sought a way to hand off the speakership after 15 years at the fulcrum of power. Enter Allen. By arranging a deal with Brown and the Democrats, she could accomplish two supreme acts of revenge: snag the speakership for herself and thereby stiff Assembly GOP Leader Jim Brulte (R-Rancho Cucamonga), whom she blamed for not keeping the caucus neutral during the Senate campaign; and assume control over all things Republican in the Assembly, including committee assignments, staffing and allocation of precious resources. The deal was struck, and Allen became the first woman ever and the first Republican in 20 years to ascend to the speakership.

But the plaque bearing Allen's name had barely been screwed into place outside her posh new Capitol digs when her enemies in Orange County launched the recall effort, justifying their effort on what they termed Allen's traitorous deal with Brown. Spearheaded by U.S. Representative Dana Rohrabacher (R-Newport Beach), Hurtt and Pringle, the recall was infused from the beginning with political heft and — more important — resources.

Allen never had a chance. Nearly every Republican who is any Republican backed her ouster, including the Orange County legislative and congressional delegations and the state and county GOP heirarchy. Even Governor Pete Wilson jumped on the recall bandwagon. Given this kind of support, Republicans who may have opposed the recall — considering it overkill against a term-limited legislator only 13 months from the end of her career, or punishment that didn't fit the crime — were silenced by fears for their own political safety. It has become a common axiom among many Orange County Republicans that, if one values ambition and a future in politics, one does not sail across the bow of local powerbrokers.

"Any Republican right now thinking about voting against the way Pringle and Hurtt want them to vote must think long and hard about the consequences of that," said Mark Petracca, a professor of political science at the University of California, Irvine. "How much ideological purity and discipline will be imposed? How much beyond that will constitute a recallable offense by people with unlimited resources to mount a recall?"



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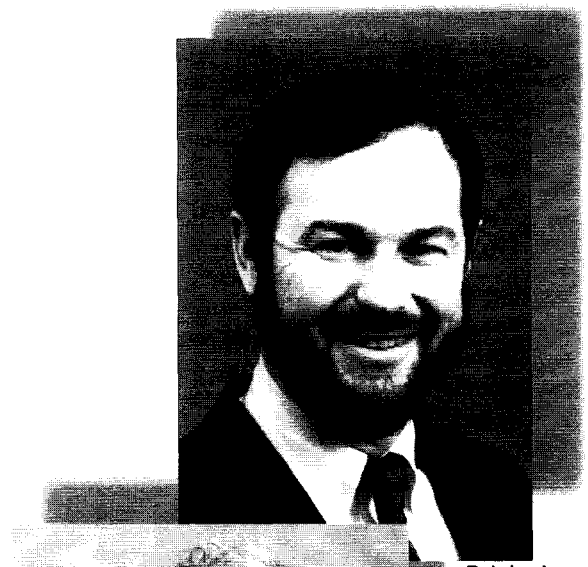
For her part, Allen was hamstrung throughout the campaign. She had no money and, term-limited, few prospects for raising it. Without money, she could not make her case to a significant part of the electorate. Short of cash and bereft of significant allies, Allen did not wage any meaningful self-defense. Polls consistently showed her losing by better than two-to-one — precisely the margin of her defeat. This marked a stunning turn-around for a veteran lawmaker who only one year before had won re-election to a seventh term with 73 percent of the vote.

With the recall a done deal almost from the beginning, the focus shifted from Allen to her potential successor. Four Republicans immediately jumped into the fray — former Huntington Beach Mayor Don McAllister, local school board member Shirley Carey, attorney Scott Baugh and Huntington Beach Planning Commissioner Haydee Tillotson. But only Tillotson and Baugh had the money and backing to emerge as front runners. Also on the ballot were two Democrats — former Huntington Beach Mayor Linda Moulton-Patterson and legal secretary Laurie Campbell.

Given the winner-take-all nature of recalls — the top vote-getter wins the seat without a run off — Democrats did not immediately dismiss the election, despite a 52 percent-35 percent GOP edge in voter registration. The scenario for a Democratic win was simple: Four competitive Republicans split the GOP vote and a Democrat prevails with only a third of the overall tally. That possibility furrowed more than a few Republican brows, for holding Allen's district was imperative if the GOP hoped to elect what they considered to be a legitimate Republican speaker in 1996. Their main man was Pringle, who had succeeded Brulte as caucus leader in August. Two Democrats on the ballot, however, made that scenario far less likely.

But in October, Democratic chances brightened when Campbell was thrown off the ballot. Orange County Democrats had challenged her candidacy, alleging that she had been recruited by Republicans to split and confuse Democratic voters and offset the consequences of a civil war brewing between Baugh and Tillotson. Republicans denied the charges, but a Sacramento judge ruled Campbell ineligible on the grounds that she had not personally witnessed signatures gathered on her behalf after signing an affidavit to that effect. The removal caused some confusion because Campbell's name appeared on many absentee ballots already mailed by the county, and those ballots had to be reissued. More important, Moulton-Patterson remained as the lone Democrat.

From the beginning, the Baugh-Tillotson race was a snarling match, with its roots deep in old animosities between various factions of county Republicanism.



Rohrbacher

Tillotson

Sensing the chance for an upset, Orange County Democrats began to agitate for help from the state party and from the Assembly Democratic caucus. The state party responded, sending out several mailers on Patterson's behalf. But convincing Assembly Democrats to come in was a tougher nut to crack. "This race is so important that they should have made it a top priority," said Howard Adler, former chairman of the Orange County Democratic Party.

"What [Orange County Democrats] believe is the case and what [the caucus] believe have not always been the same thing," said a source close to Assembly Democrats. They considered Moulton-Patterson to be a substantive candidate, but the main consideration revolved around her realistic chances to win, which most in the caucus considered nil. As a result, they stayed out.

"The second the caucus does anything ... it puts the race into a very different place," said a Democratic strategist. "It's one thing if local Democrats are active, but it's another thing if the caucus is involved. Then, when you lose, it becomes a 'Democratic loss,' as opposed to something no one took seriously."

The Democrats' decision, however, was rendered moot by what happened among the Republicans. From the beginning, the Baugh-Tillotson race was a snarling match, with its roots deep in old animosities between various factions of county Republicanism. Baugh, the choice of county GOP powerbrokers, had an impeccible conservative pedigree, including a degree from the Reverend Jerry Falwell's Liberty University in Virginia. Moreover, he had been recruited to run by Rohrabacher, an arch foe of former Orange County Supervisor Harriet Wieder. Tillotson, on the other hand, was an old Wieder ally.



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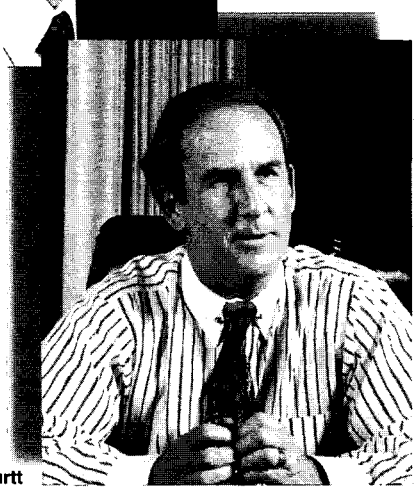
Pringle



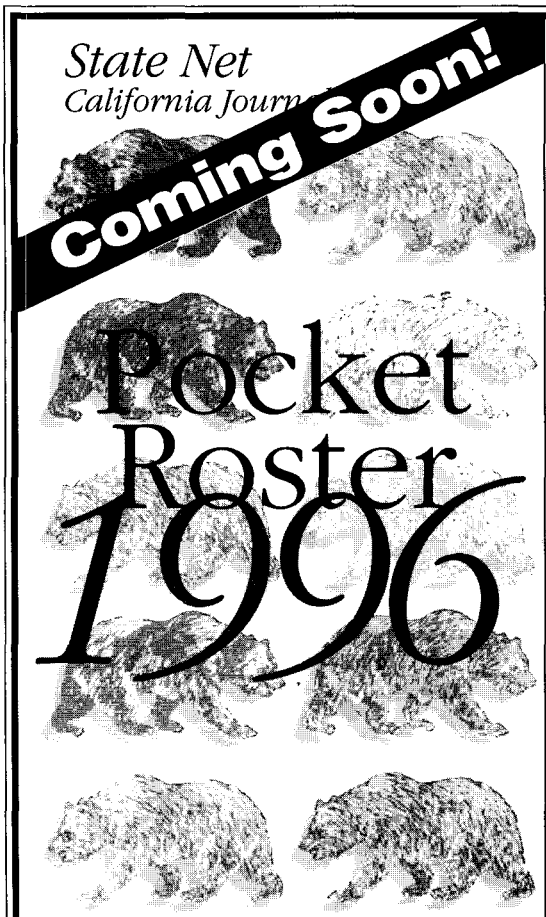
Hurtt

**Thus, Baugh, an attorney for the Union Pacific Railroad, arrived in Sacramento for the start of his first legislative session having forged a chain of questionable behavior that might weigh down Marley's ghost.**

With Rohrabacher, et al, firmly in Baugh's corner, most conservative groups fell in line, including local chapters of the California Republican Assembly. Tillotson, touting her 25 years of local Republican activism, rounded up support from a bevy of mayors, council members and county supervisors.

The GOP campaign degenerated almost from the opening bell. Tillotson, likened to Allen, had her party loyalty questioned. The 33-year-old Baugh was accused of padding his political resume and of having taken no interest in local GOP politics prior to being recruited as a candidate. As the campaign entered its final weeks, and as the two squared off in direct-mail hit pieces and in a candidates' forum televised over local cable stations, Republicans began to fear that the tiff was creating an opportunity for Democrats.

As if to confirm those fears, the Moulton-Patterson campaign seemed to come suddenly alive with mailers and nightly phone banks. As a result, the pressure mounted on Tillotson to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get out of the race. Governor Wilson called her from Florida, where he was stumping on behalf of Kansas Senator Bob Dole's presidential campaign. Tillotson also had a series of conversations with Hurtt, who had stayed neutral in her bout with Baugh but, as he later said, tried to present her with the "realities." In the end, she dropped out 12 days before the election, having spent $175,000 of her own money. There are rumors that she cut some kind of deal with the powers-that-be involving future considerations, but all sides have denied it.

"I could see how the race was developing," Tilloston said after stepping aside. "The campaign was taking a more negative tone and we were heading for a collision course, and I couldn't continue to divide the party." She refused to endorse Baugh, although her withdrawal virtually assured his election. He finished far ahead of Moulton-Patterson on Election Day for the right to fill out the remainder of Allen's term.

Baugh's victory, however, was tainted by its aftermath, and the sticking point was Campbell — the Democratic candidate who had been bounced from the ballot. Campbell and Baugh had known each other in Sacramento in the 1980s and belonged to the same Orange County church. Moreover, Campbell's husband had made a $1000 contribution to Baugh's campaign prior to his wife's entry into the race as a Democrat — all of which lent credence to Democratic charges that Laurie Campbell had been recruited as a stalking horse by the Republicans. Baugh complicated the situation when he first denied he knew Campbell, then had to clarify their relationship. To make matters worse, he had to file an amended campaign contribution reports to reflect the Campbell contribution, which had been returned in September after Laurie Campbell became a candidate but had not been reported until mid-November. Baugh blamed his treasurer, but the Orange County District Attorney's Office was unconvinced and began investigating the candidate and his campaign.

Thus, Baugh, an attorney for the Union Pacific Railroad, arrived in Sacramento for the start of his first legislative session having forged a chain of questionable behavior that might weigh down Marley's ghost. Not only that, his mandate was less than overwhelming. Turnout for the recall was small — a shade under 26 percent. This means that a pastrami-thin slice of the electorate actually ousted Allen and installed Baugh. Although he garnered 45 percent of the vote, his 21,000-plus total amounted to little more than 10 percent of the registered voters in his district — and some 66,000 votes fewer than Allen herself received in 1994. Baugh already has attracted three Republican opponents for the March primary — a sign that the neophyte's electoral battles are far from over.

Meanwhile, Allen slips into political history after 13 years in the lower house and a political career whose latter years were marked by humongous ups and downs. Although she became the first woman ever to ascend to the Assembly's top job, her speakership was taken seriously by virtually no one. And the abuse she received for stiffing her own caucus made that act of retribution pyrrhic, for the final act of revenge in this sordid little drama found Allen herself on the dining room floor.


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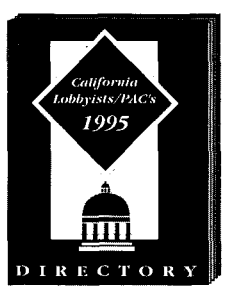


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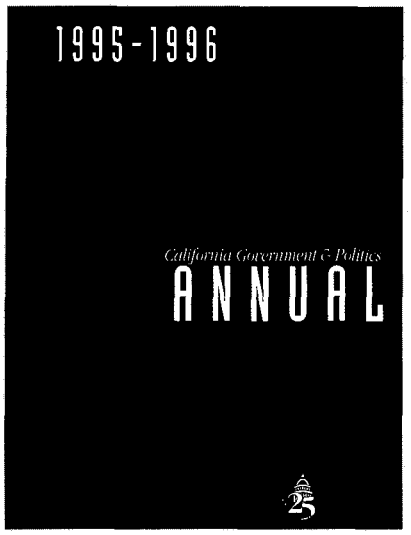


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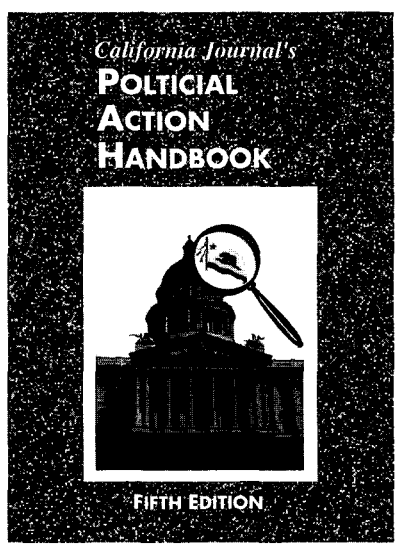


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Southern Exposure
perspective

by Sherry Bebitch Jeffe

## Fallout in Orange County

It's been just over one year since Orange County declared bankruptcy. Today, its infrastructure appears pretty much intact, but its politics seem to be in shambles. That's not to say public payrolls and services have not been reduced. But most of the cuts impact programs which serve the poor and the county's burgeoning minority population. And they lack political clout.

The recent "Orange County Annual Survey" conducted by UC-Irvine's School of Social Ecology concluded that "about half of the Hispanic (50 percent) and Asian (47 percent) residents say they never voted. ...As a result, the profile of frequent voters is overwhelmingly non-Hispanic white (88 percent)." For that largely Anglo and more-affluent electorate, the veneer of Orange County's "good life" remains largely unsullied.

But things are not what they seem. Despite the half-facetious assertion that Garden Grove, the home of State Senate powerhouse Rob Hurtt and Assembly Republican leader Curt Pringle, is now "The Center of the Universe," political instability threatens Orange County.

Much has been said about the destabilizing effect of a slew of recall elections on governance (see page 34). Orange County has long been fertile soil for local recalls. Since the late 1970s, about 200 Orange County officials have undergone recall threats, and 24 have actually been turned out of office. But bankruptcy — coupled with the intercine GOP warfare which ultimately led to the recall of Orange County Assemblymember, and former Speaker, Doris Allen — has ratcheted up the stakes and the intensity of recall politics.

Anger at government and frustration with politicians have long been hallmarks of Republican-leaning, conservative Orange County voters; but they have seldom been greater. Eighty-three percent of the respondents to this year's Annual Survey supported setting term-limits for county supervisors.

Some officials aren't waiting to be recalled or term-limited. Supervisor Gaddi Vasquez, facing a brutal recall campaign, resigned last August. Then Supervisor Roger Stanton announced he would not run for re-election this year. William Steiner, who had served less than two years on the board when the county went belly-up, became the last pre-bankruptcy supervisor to fall victim to its political fallout. In the face of mounting recall pressure, Steiner announced he will leave office when his term ends in 1998. Supervisor Marian Bergeson was elected in November 1994. She made the jump from the term-limited state Senate for the greater job security of the Orange County board. Swept up in the aftermath of the bankruptcy declaration, Bergeson now says she will not run for a second term.

After the 1998 election, none of the supervisors who served on the pre-bankruptcy board will be in office. In fact, by 1999 the entire board may filled with newcomers. Many Orange County citizens will celebrate. But the downside of these wholesale changes is that the learning curve of the new board members will have to be astronomical in order to deal successfully with the economic, political and social issues facing post-bankruptcy Orange County.

Said UC-Irvine professor Mark Baldassare, who directs the Orange County survey, the turmoil created will mean "a period of political instability in terms of county leadership." And there can be no governmental stability without political stability.

On the other hand, Orange County voters could seize this opportunity to begin again — to reconstruct their county government. But that seems unlikely. In addition to their overwhelming support for term limits, respondents to the UC-Irvine survey favored appointing a strong chief executive officer to run Orange County government and making the board of supervisors a part-time body (59 percent). Despite the role of then-Treasurer Robert Citron, an independently-elected official, in the county's fiscal woes, voters were less inclined to support (41 percent) appointing the county treasurer, clerk and auditor.

A county charter proposal which would institute term-limits, a strong CEO and appointed treasurer has been placed on the March ballot. It is the handiwork of a Charter Revision Commission appointed by the board in weeks following the bankruptcy declaration. But its fate is uncertain. Critics decry it as tinkering around the edges. Some would prefer to short-circuit county government all together. And if hotly-contested GOP primary races drive the March election's turn-out, charter proposals opposed by conservative activists could be doomed.

The bottom line is that voters appear more interested in punishing politicians than in reinventing government. Wholesale change will only come when Orange County *voters* are directly impacted — when it's *their* ox that is gored and not just that of the supervisors or the homeless or the mentally ill. That is why, so far, Chicken Little has been wrong. But how long can Orange County keep the sky from falling when there's little leadership — and less political will — to hold it up?



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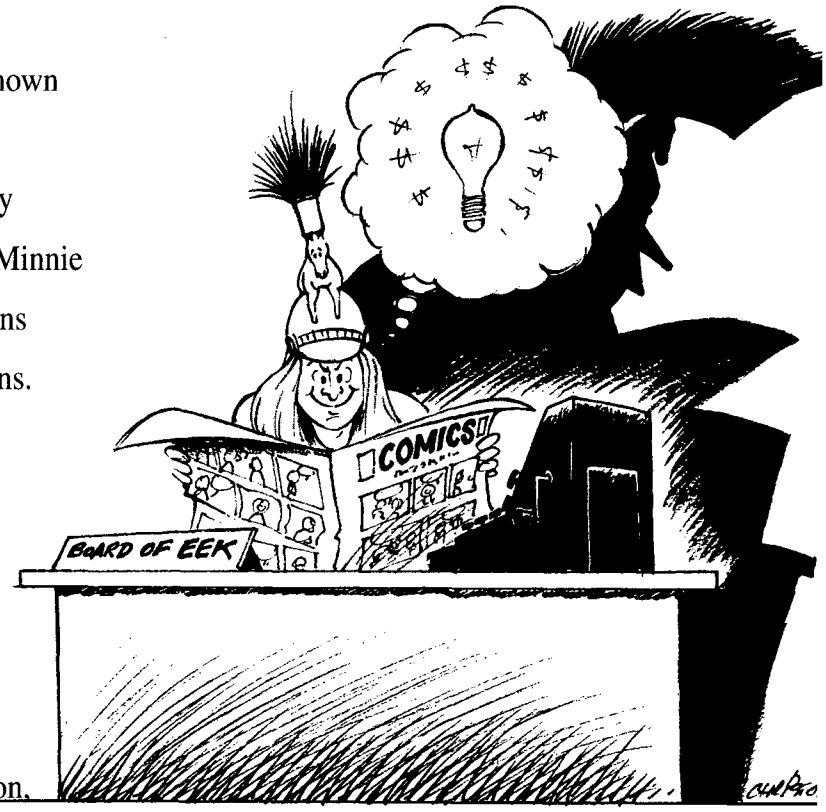
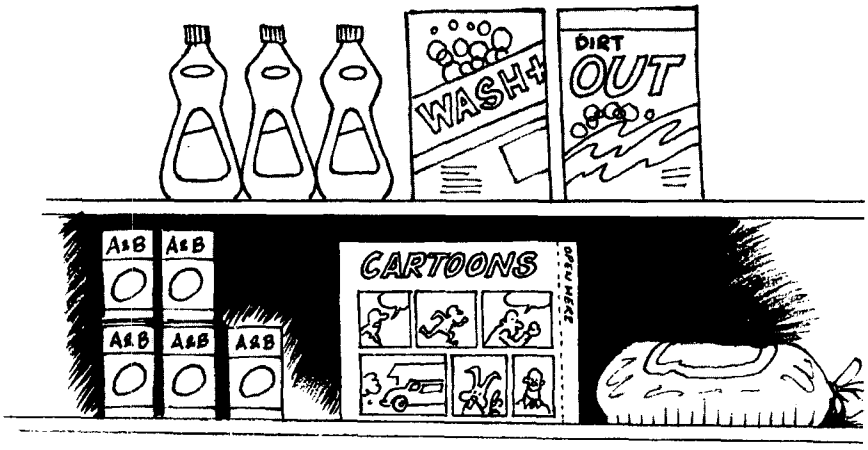
# The Tumultuous Technocratic

**Tax-exempt text by Steve Scott**
**(with apologies to Dr. Seuss)**
**Non-incidental drawings by Christopher**




The seal of our state, which has gained some renown
Has on it a goddess, watching city and town
Her name is Minerva, but I'll give you the skinny
Round here, we all know her as jus' plain Aunt Minnie
Now Minnie's a peach, but she has lots of minions
And they're only too willing to give their opinions.
Her nephew Pete Wilson saw revenues taper
So he put a sales tax on each kind of newspaper.

Not long after that, Minnie got an idea —
A wonderful, awful, amazing idea.
"Since my newspaper tax has become such a boon,
Why not the same sales tax on a cartoon?




"I could tax comic strips, like the 'Wizard of Id'
'Doonesbury,' 'Dilbert,' that Charlie Brown kid,
'Calvin and Hobbes,' 'For Better or Worse,'
And all of those comic books, chapter and verse."
The path to this gold, Minnie's minions soon saw,
Were some words buried deep in the sales tax law.
The law says that authors of words are exempt,
But the part about pictures was rather unkempt.



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If sent by a modem, a disk or a fax,
A drawing is not to be subject to tax.
On anything else, to hazard a guess,
If it doesn't say "no", it must really mean "yes."

# Toon Tax Tempest

**We contend that camera-ready art is tangible personal property. It falls in the catgory of something you can hold, smell, hang on the wall, etc. Other segments of the industry — advertisers, graphic artists — are well versed in how the law applies, and they've been complying.**

**Steve Martarano**
***Spokesman, California Board of Equalization***

In testing her case, Minnie started out small,
Sent a bill to a 'Frisco-based artist named Paul.
But said Mister Mavrides when he, at last, read it,
"A thousand more dollars for comics — forget it!
"This art," he exclaimed, "is expression — dependent
On something that we like to call First Amendment.
This tax I won't pay — why it's simply absurd."
And with that, he rhetorically flipped her the bird.

**The power to tax is the power to destroy, and by imposing taxes in this fashion, you can destroy people's ability to use their rights.**

**Paul Mavrides**
***Cartoon artist***

The bills still rolled in, over Paul's protestations,
And Minnie soon found other manifestations.
A Yreka paper, *Daily News* was its name
Got a bill that was almost exactly the same.
Things really got bad when a place called "Creators,"
Which is one of the biggest of 'toon syndicators,
Had auditors say, with a knock on the door,
"You just might owe Minnie a million — or more."


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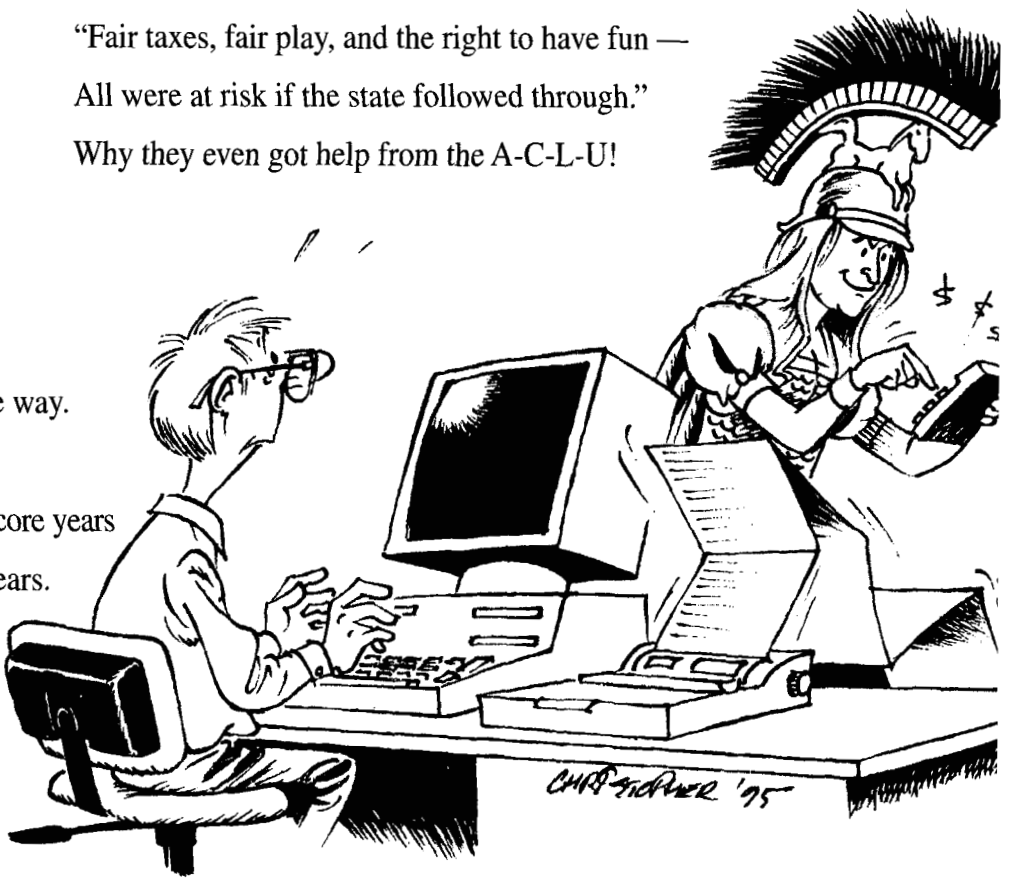
> The whole thing was so insane that I was dumbfounded when they first told us. The product is taxed at the point of purchase. How many times can you tax the same product?
>
> Richard Newcombe
> *President,*
> *Creator's Syndicate,*
> *Los Angeles*

Now Creators' first step was to write Nephew Pete,
But Pete just repeated the auditor's bleat.
So they went to some friends, whom they knew would soon publish
Just what they were thinking about all this rubbish.

"Free speech," they exclaimed, almost shouting as one,
"Fair taxes, fair play, and the right to have fun —
All were at risk if the state followed through."
Why they even got help from the A-C-L-U!



Not everyone saw things in quite the same way.
Some saw a less notable motive in play.
Maintaining a break they've enjoyed threescore years
Was behind all the syndicates' crocodile tears.

Whatever the reason, Paul suddenly found
That his gripe had achieved an amazing renown.
"Minnie's gone tax mad," proclaimed the reports,
Clucking disgust at the minions' retorts.
Two pols — "Mo" Johannessen and Johan Klehs —
Told Minnie, "It's time that you mended your ways."
Said Klehs, with the state Board of Equalization,
"I'll reverse Minnie's minions with no hesitation."

> You kind of get tired after a while having people wrapping themselves in the First Amendment to protect what is nothing more than financial claims. This is not a free-speech issue. This is a 'do I have to pay taxes' issue.
>
> Jonathan Kottler, J.D.
> Chair of Graduate Studies,
> USC School of Journalism
> *Counsel, California First Amendment Coalition*



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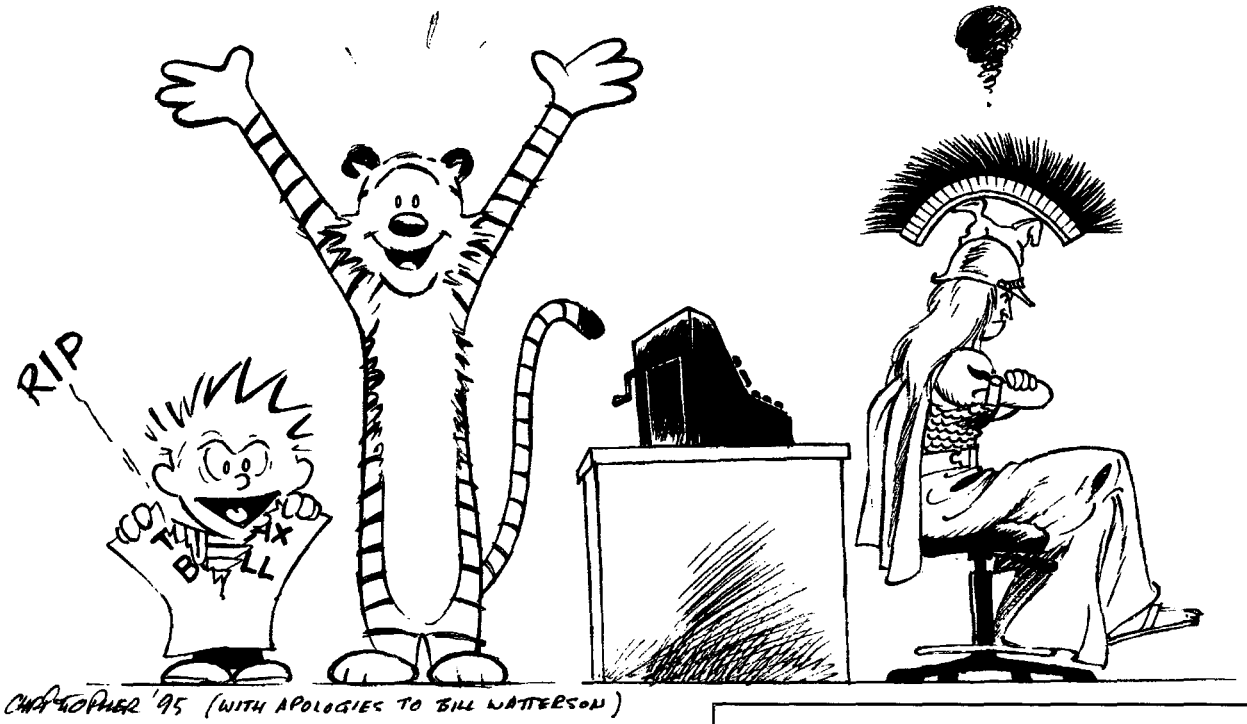


CHRISTOPHER '95 (WITH APOLOGIES TO BILL WATTERSON)

**When the sales tax staff tries to apply sales tax to cartoons and comics, but not to written commentary, they create distinctions which simply do not exist.**

**Johan Klehs,**
***Chair, State Board of Equalization***

Soon Creators reported the auditors gone,
As the flap over comic-strip taxes passed on.
For his last stand, the tenth of this month pre-arranged,
Paul believes that his luck may have finally changed.
The lesson that comes from this tale is mixed,
It matters which side of the fence you are fixed.
For 'toonists and writers, it's pretty forthright—
Mess with free speech and you're in for a fight.

For Minnie and minions, it's no more profound—
Keep clear of the media's snarling bloodhound.
Mark Twain said it best — You move at your peril
Picking fights with the folks who buy ink by the barrel.

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# Washington Notes

perspective

by Lou Cannon

## Speaker of the future?

*Editor's note: For the past two months,* California Journal *has presented excerpts from an important new biography on Phil Burton (see page 16). In that spirit, we present a column about Burton from our January 1975 issue, when Burton was at the height of his power.*

Phil Burton was beaten by a dead man the first time he ran for public office. He has taken nothing for granted since.

When House Democrats elected the 48-year-old San Francisco congressman as chairman of their caucus, they defied the norms of rewarding political conviviality and instead gave power to a colleague who is considered one of the most abrasive and tempermental congressmen of modern times. He also is one of the smartest and best-informed. It is no wonder that key advisers to President Gerald Ford already are talking about the "Burton Democrats" and estimating that it is the usually more liberal Senate, rather than the House, that will become the dependable body for sustaining presidential vetoes in 1975.

The worry within the White House is shared in large measure by Tip O'Neill, the House majority leader. Until Burton was elected caucus chairman, O'Neill seemed the eventual successor to Speaker Carl Albert. Now, all bets are off. Since his first defeat, Burton rarely has needed more than a toehold to get what he wanted. And he has wanted for a long time to become speaker of the House.

Burton's 20-year odyssey from embarrassing defeat to the brink of national power is a study in the fabled American work ethic applied to the American political system. He is a 24-hour-a-day congressman who reads the bills, understands the departments and excels in the craft of political maneuver. In 1954 he was a young, bright-eyed San Francisco attorney with an obsession for politics and no taste for the law. Operating within the framework of the national Young Democratic organization, Burton considered many of the establishment Democratic leaders in California to be both backward and ineffectual. The old Democrats, those who knew of him, in turn regarded Burton as a vaguely dangerous "ultra-liberal" or worse. Burton decided to run against one of those old guardsmen in the 1954 Assembly Democratic primary in San Francisco's Mission district. The incumbent, a dependable Democratic labor hack in a district that was then a labor stronghold, died two months before the election. Under California law, however, his name remained on the ballot. Burton ignored suggestions from his wife that he send out postcards "reminding" voters of the incumbent's death. The dead man won, and the County Central Committee nominated John O'Connell, not Burton, for the safe Democratic seat.

Burton's response to that defeat was to move into an adjoining district and tackle a Republican considered so invulnerable he was known as "the unbeatable Tommy Maloney." But Burton had studied the emerging political trend in California, and he thought that a 1952 change in the law putting partisan designations on the ballot gave him a chance. Maloney, the last of the old-time San Francisco labor Republicans, had been winning both parties' Assembly nominations for years under California's cross-filing law. Many voters thought he actually was a Democrat. Burton launched a precinct campaign aimed at convincing people that Maloney was a Republican. The effort barely succeeded.

The first bill Burton introduced as a state legislator demonstrated his ability to select issues of importance to his constituency. The measure legalized fireworks for Chinese New Year's, and Burton has run ahead of the Democratic ticket in Chinatown ever since. But Burton's central interest quickly became the social welfare issues relating to the needs of his poorest constituents. In his last term in the Assembly, he snuck through an innocuously worded amendment that turned out to have the dual effect of giving welfare payments to needy children in homes where the father was present but not working and of boosting county tax rates. By the time county supervisors learned what was happening, Burton was occupying a House seat won in a 1964 special election.

The House proved a natural stage for Burton's political talents and perseverance. He made himself valuable almost immediately by learning more about welfare legislation than anyone else and by focusing on a few key issues. With less than six years' seniority, he pushed through a bill compensating coal miners for black-lung disease — a measure he considers his most important legislative accomplishment.

Burton also subtly changed his political style. In California, he had been regarded as too far to the left for a leadership role; in Congress, he cultivated the middle leadership and stayed away from the overt challenges to House authority launched by such mavericks as Jerome Waldie. He also made peace with the San Francisco establishment, voting for a bill, for example, immunizing newspaper joint ventures from anti-trust action. The *San Francisco Chronicle*, which didn't mention Burton by name in his campaign against Maloney, approves of him now.

Except for the issues that kept the local establishment happy, Burton changed far less in substance than in style. He was against the Vietnam War from the beginning, and he has been resolutely pro-Israel since the founding of the Jewish state. He was one of only two congressmen who had the courage to vote against making the murder of a president a federal crime. (Burton said that a vote for the bill would be inconsistent with his opposition to capital punishment.)

On the whole, Burton is not especially popular in the House. He is considered to be something of a congressional grind, with no interests outside of politics. He lives three blocks away from the Capitol and does not even own a car. He eats and drinks and smokes voraciously, and has been known to explode into a rage at restaurants or on the floor. But even congressmen who can't stand him tend to admire Burton for the skill and information he brings to his job. He is symbolic of a Congress that is tired of going along to get along and of being pushed around by the presidency. It is a Congress in which a man like Phil Burton can someday become speaker of the House.



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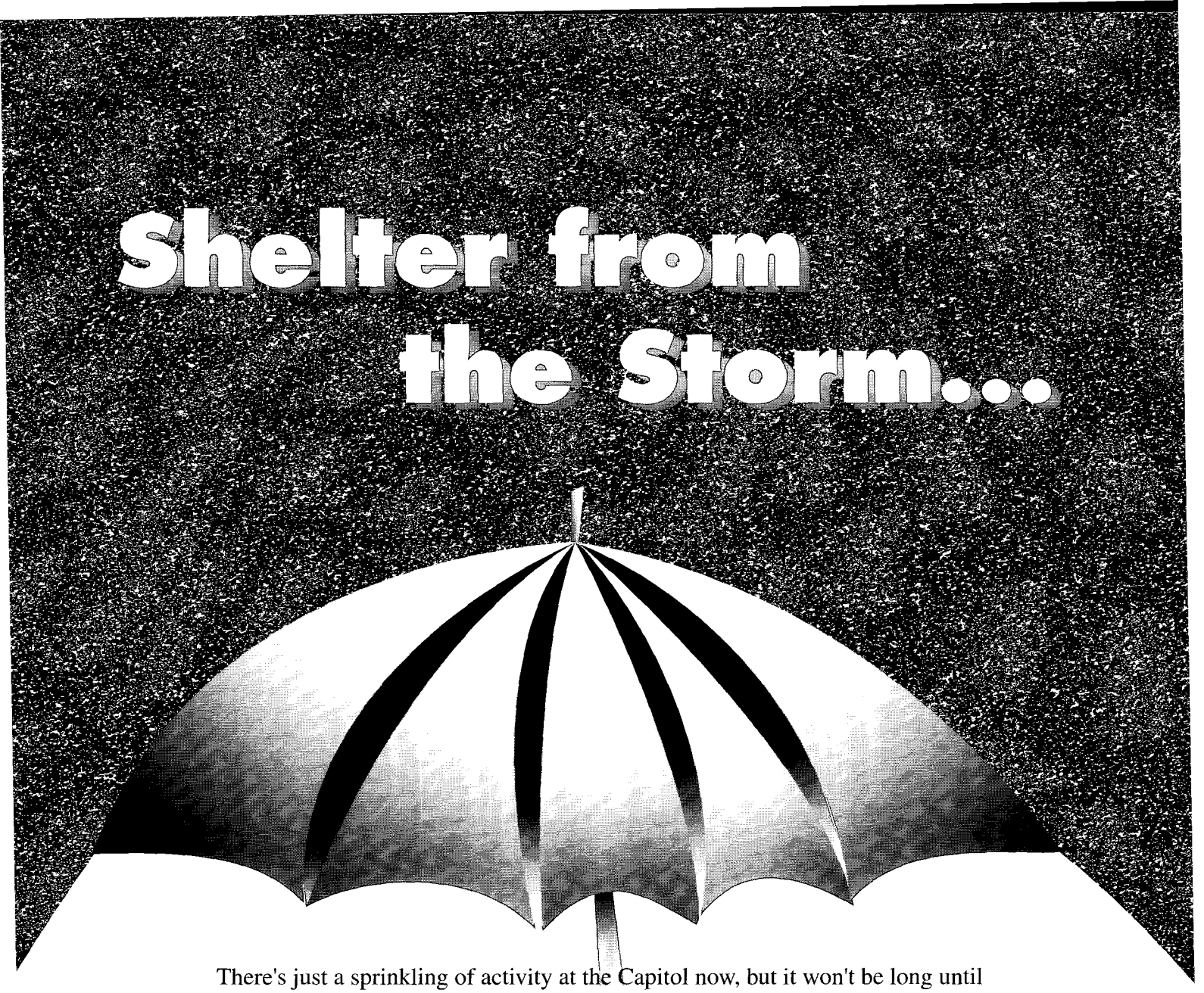
# Shelter from the Storm...



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